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8  
9 **BEFORE THE**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
10 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**  
11 **STATE OF CALIFORNIA**  
12

13 In the Matter of the Accusation Against:

Case No. 79/22-383

14 **ADAM GHASSAN ABULASHIN, DBA**  
15 **THE ORIGINAL RELIABLE SMOG TEST**  
16 **2416 Huntington Dr.**  
17 **Duarte, CA 91010**

**ACCUSATION**

18 **Automotive Repair Dealer Registration No.**  
19 **ARD 282505**  
20 **Smog Check, Test Only, Station License No.**  
21 **TC 282505,**

22 **and**

23 **ADAM GHASSAN ABULASHIN**  
24 **4538 Hastings Ct.**  
25 **Chino, CA 91710**

26 **Smog Check Inspector License No. EO**  
27 **638091**

28 Respondents.

1 **PARTIES**

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

4 2. On or about January 19, 2016, the Bureau of Automotive Repair issued Automotive  
5 Repair Dealer Registration Number ARD 282505 to Adam Ghassan Abulashin ("Respondent  
6 Abulashin"), dba The Original Reliable Smog Test. The Automotive Repair Dealer Registration  
7 was in full force and effect at all times relevant to the charges brought herein and will expire on  
8 January 31, 2023, unless renewed.

9 3. On or about February 16, 2016, the Bureau of Automotive Repair issued Smog  
10 Check, Test Only, Station License Number TC 282505 to Respondent Abulashin, dba The  
11 Original Reliable Smog Test. The Smog Check, Test Only, Station License was in full force and  
12 effect at all times relevant to the charges brought herein and will expire on January 31, 2023,  
13 unless renewed.

14 4. On or about April 19, 2016, The Original Reliable Smog Test was certified as a  
15 STAR Station. This certification will remain unless the Automotive Repair Dealer Registration  
16 and/or Smog Check Station License is revoked, canceled, licenses become delinquent, or the  
17 certification is invalidated.

18 5. On or about April 29, 2015, the Bureau of Automotive Repair issued Smog Check  
19 Inspector License Number EO 638091 to Respondent Abulashin. The Smog Check Inspector  
20 License was in full force and effect at all times relevant to the charges brought herein and will  
21 expire on September 30, 2023, unless renewed.

22 **JURISDICTION**

23 6. This Accusation is brought before the Director of the Department of Consumer  
24 Affairs (Director) for the Bureau of Automotive Repair, under the authority of the following laws.

25 7. Business and Professions Code (Bus. & Prof. Code) section 118, subdivision (b),  
26 provides that suspension, expiration, surrender, or cancellation of a license shall not deprive the  
27 Director of jurisdiction to proceed with a disciplinary action during the period within which the  
28 license may be renewed, restored, reissued or reinstated.

8. Bus. & Prof. Code section 9884.7 provides that the Director may revoke an automotive repair dealer registration.

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

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

11. Health & Saf. 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

12. 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 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.

• • • •

(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.

1           13. Bus. & Prof. Code section 477 provides, in pertinent part, that “Board” includes  
2 “bureau,” “commission,” “committee,” “department,” “division,” “examining committee,”  
3 “program,” and “agency.” “License” includes certificate, registration or other means to engage in  
4 a business or profession regulated by the Bus. & Prof. Code.

5           14. Section 44012 of the Health & Saf. Code provides, in pertinent part, that tests at smog  
6 check stations shall be performed in accordance with procedures prescribed by the department.

7           15. Section 44015, subdivision (b), of the Health & Saf. Code provides that a certificate  
8 of compliance shall be issued if a vehicle meets the requirements of Health & Saf. Code section  
9 40012.

10          16. Section 44032 of the Health & Saf. Code provides that qualified technicians shall  
11 perform tests of emissions control devices and systems in accordance with Health & Saf. Code  
12 section 40012.

13          17. Health & Saf. Code section 44072.2 states, in pertinent part:

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

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

18               . . . .

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

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

22          18. Health & Saf. Code section 44072.10 states, in pertinent part:

23               . . . .

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

27               . . . .

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

19. Health & Saf. Code section 44072.8 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**

20. 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.”

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

22. CCR, title 16, section 3340.35, subdivision (c), states that a licensed smog check station “shall issue a certificate of compliance or noncompliance to the owner or operator of any vehicle that has been inspected in accordance with the procedures specified in section 3340.42 of this article and has all the required emission control equipment and devices installed and functioning correctly.”

23. CCR, title 16, section 3340.41, subdivision (c), states that “[n]o person shall enter into the emissions inspection system any vehicle identification information or emission control system identification data for any vehicle other than the one being tested. Nor shall any person knowingly enter into the emissions inspection system any false information about the vehicle being tested.”

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

#### **COST RECOVERY**

25. Bus. & Prof. Code section 125.3 provides, in pertinent part, that a Board may request the administrative law judge to direct a licentiate found to have committed a violation or

violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

### **DATA REVIEW: CLEAN TANKING**

26. The Bureau has become aware of certain methods that some Smog Check stations and Smog Check inspectors use to fraudulently issue smog certificates to vehicles that may not or 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. “Clean tanking” is one such method, during which the Low Pressure Fuel Evaporative Test (LPFET) is performed using the LPFET equipment calibration tank instead of connecting to the subject vehicle’s fuel inlet to determine if there is a leak in the system. The LPFET tests the functionality of the vehicle’s Evaporative Emissions Control (EVAP) system by introducing inert Nitrogen gas into the vehicle’s fuel system, which includes the fuel tank, until it reaches a predetermined pressure and then holds that pressure for a specified period of time to confirm no leaks are present in the system. As part of this test, the LPFET equipment measures the “headspace volume” based upon the volume of gas needed to achieve a specified pressure as the Nitrogen gas is introduced into the vehicle’s fuel tank, and records that data to the Vehicle Information Database (VID). The “headspace volume” is the volume of the vapor space in the fuel tank above the fuel level. This means a vehicle with a full tank of gas will have a smaller headspace volume than a vehicle with less fuel in the tank. The LPFET equipment must pass a calibration test every 3 days to verify its ability to properly measure the volume of Nitrogen gas introduced during a test and the pressure readings. In order to pass the calibration test, the amount of Nitrogen gas introduced to the calibration tank during the test must be within the 1.5 to 2.5 gallon headspace volume range. If the LPFET equipment fails a calibration test, the LPFET tester is locked and the station is not able to perform the LPFET test until the unit passes.

27. On January 4, 2022, the Bureau conducted a review of The Original Reliable Smog Test’s BAR-97 Smog Check inspection records from the VID for vehicles that received an LPFET test during the period of January 1, 2020 through January 4, 2022. The review showed a total of 519 LPFET tests passed. Of those 519 LPFET tests, 79.58% had a calculated headspace volume within the 1.5 to 2.5 gallon range, the same range the LPFET calibration tank is required

1 to maintain, resulting in 413 possible fraudulent certifications issued by The Original Reliable  
2 Smog Test. VID data show that of certified vehicles statewide that received an LPFET test  
3 during the same period of time [839,180 inspections], just 14.27% reported a calculated  
4 headspace volume within the 1.5 to 2.5 gallon range. After adjusting for the statewide percentage  
5 of expected headspace volume results in this range, the data show that The Original Reliable  
6 Smog Test issued approximately 354 fraudulent certifications utilizing the clean tanking method.

7 28. Of the 519 vehicles certified by The Original Reliable Smog Test with passing  
8 LPFET inspections between January 1, 2020 through January 4, 2022, Respondent Abulashin  
9 performed all 519, with 79.58% reporting calculated headspace volumes within the 1.5 to 2.5  
10 gallon range, resulting in 413 possible fraudulent certifications. After adjusting for the statewide  
11 percentage of expected headspace volume results in this range (14.27%), the data show that  
12 Respondent Abulashin issued approximately 354 fraudulent certifications utilizing the clean  
13 tanking method.

#### 14 **FIRST CAUSE FOR DISCIPLINE**

##### 15 **(Fraud)**

16 29. Respondent Abulashin's Automotive Repair Dealer Registration is subject to  
17 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(4), in that he  
18 committed acts that constitute fraud by issuing electronic certificates of compliance for 354  
19 vehicles, as described above in paragraph 27, without performing bone fide inspections of the  
20 emission control devices and systems on those vehicles, thereby depriving the People of the State  
21 of 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 26 through  
23 28, above, as though set forth fully herein.

#### 24 **SECOND CAUSE FOR DISCIPLINE**

##### 25 **(Material Violation of Automotive Repair Act)**

26 30. Respondent Abulashin's Automotive Repair Dealer Registration is subject to  
27 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(6), in that he  
28 failed in a material respect to comply with the provisions of this chapter or regulations adopted

1 pursuant to it when he issued electronic certificates of compliance for 354 vehicles, as described  
2 above in paragraph 27, without performing bona fide inspections of the emission control devices  
3 and systems on those vehicles, thereby depriving the People of the State of California of the  
4 protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by this  
5 reference incorporates, the allegations contained in paragraphs 26 through 28, above, as though  
6 set forth fully herein.

7 **THIRD CAUSE FOR DISCIPLINE**

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

9 31. Respondent Abulashin's Smog Check Test Only Station License is subject to  
10 disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that he  
11 failed to comply with the following sections of that Code:

12 a. **Section 44012:** Respondent failed to ensure that the emission control tests were  
13 performed on 354 vehicles, as described in paragraph 27 above, in accordance with procedures  
14 prescribed by the department.

15 b. **Section 44015, subdivision (b):** Respondent issued electronic smog certificates of  
16 compliance for 354 vehicles, as described in paragraph 27 above, without ensuring that the  
17 vehicles were properly tested and inspected to determine if they were in compliance with Health  
18 & Saf. Code section 44012.

19 Complainant refers to, and by this reference incorporates, the allegations contained in  
20 paragraphs 26 through 28, above, as though set forth fully herein.

21 **FOURTH CAUSE FOR DISCIPLINE**

22 **(Failure to Comply with Regulations Pursuant**  
23 **to the Motor Vehicle Inspection Program)**

24 32. Respondent Abulashin's Smog Check Test Only Station License is subject to  
25 disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that he  
26 failed to comply with provisions of California Code of Regulations, title 16, as follows:

27 a. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently issued  
28 electronic smog certificates of compliance 354 vehicles as described in paragraph 27 above.

1           b.     **Section 3340.30, subdivision (a):** Respondent failed to inspect and test 354 vehicles,  
2 as described in paragraph 27 above, in accordance with Health & Saf. Code sections 44012 and  
3 44035, and California Code of Regulations, title 16, section 3340.42.

4           c.     **Section 3340.35, subdivision (c):** Respondent issued electronic smog certificates of  
5 compliance for 354 vehicles, as described in paragraph 27 above, even though those vehicles had  
6 not been inspected in accordance with section 3340.42.

7           d.     **Section 3340.41, subdivision (c):** Respondent knowingly entered false information  
8 into the emissions inspection system for 354 vehicles as described in paragraph 27 above.

9           e.     **Section 3340.42:** Respondent failed to ensure that the smog inspections conducted  
10 on 354 vehicles, as described in paragraph 27 above, were done in accordance with the Bureau's  
11 specifications.

12           Complainant refers to, and by this reference incorporates, the allegations contained in  
13 paragraphs 26 through 28, above, as though set forth fully herein.

14                                   **FIFTH CAUSE FOR DISCIPLINE**

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

16           33.   Respondent Abulashin's Smog Check Test Only Station License is subject to  
17 disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in  
18 conjunction with Health & Saf. Code section 44072.10, subdivision (c), in that he committed  
19 dishonest, fraudulent, or deceitful acts whereby another was injured by issuing electronic smog  
20 certificates of compliance for 354 vehicles, as described in paragraph 27 above, without  
21 performing bona fide inspections of the emission control devices and systems on the vehicles,  
22 thereby depriving the People of the State of California of the protection afforded by the Motor  
23 Vehicle Inspection Program. Complainant refers to, and by this reference incorporates, the  
24 allegations contained in paragraphs 26 through 28, above, as though set forth fully herein.

25                                   **SIXTH CAUSE FOR DISCIPLINE**

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

27           34.   Respondent Abulashin's Smog Check Inspector License is subject to disciplinary  
28 action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that he failed to

1 comply with the following sections of that code:

2 a. **Section 44032:** Respondent failed to ensure that the emission control tests were  
3 performed on 354 vehicles, as described in paragraph 28 above, in accordance with Health & Saf.  
4 Code section 44012.

5 b. **Section 44015, subdivision (b):** Respondent issued electronic smog certificates of  
6 compliance for 354 vehicles, as described in paragraph 28 above, without ensuring that the  
7 vehicles were properly tested and inspected to determine if they were in compliance with Health  
8 & Saf. Code section 44012.

9 Complainant refers to, and by this reference incorporates, the allegations contained in  
10 paragraphs 26 through 28, above, as though set forth fully herein.

11 **SEVENTH CAUSE FOR DISCIPLINE**

12 **(Failure to Comply with Regulations Pursuant**  
13 **to the Motor Vehicle Inspection Program)**

14 35. Respondent Abulashin's Smog Check Inspector License is subject to disciplinary  
15 action pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that he failed to  
16 comply with provisions of California Code of Regulations, title 16, as follows:

17 a. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently issued  
18 electronic smog certificates of compliance for 354 vehicles as described in paragraph 28 above.

19 b. **Section 3340.30, subdivision (a):** Respondent failed to inspect and test 354 vehicles,  
20 as described in paragraph 28 above, in accordance with Health & Saf. Code sections 44012 and  
21 44035, and California Code of Regulations, title 16, section 3340.42.

22 c. **Section 3340.41, subdivision (c):** Respondent knowingly entered false information  
23 into the emissions inspection system for 354 vehicles as described in paragraph 28 above.

24 d. **Section 3340.42:** Respondent failed to ensure that the smog inspections conducted  
25 on 354 vehicles, as described in paragraph 28 above, were done in accordance with the Bureau's  
26 specifications.

27 Complainant refers to, and by this reference incorporates, the allegations contained in  
28 paragraphs 26 through 28, above, as though set forth fully herein.

1 **EIGHTH CAUSE FOR DISCIPLINE**

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

3 36. Respondent Abulashin's Smog Check Inspector License is subject to disciplinary  
4 action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in conjunction with  
5 Health & Saf. Code section 44072.10, subdivision (c), in that he committed dishonest, fraudulent,  
6 or deceitful acts whereby another was injured by issuing electronic smog certificates of  
7 compliance for 354 vehicles, as described in paragraph 28 above, without performing bona fide  
8 inspections of the emission control devices and systems on the vehicles, thereby depriving the  
9 People of the State of California of the protection afforded by the Motor Vehicle Inspection  
10 Program. Complainant refers to, and by this reference incorporates, the allegations contained in  
11 paragraphs 26 through 28, above, as though set forth fully herein.

12 **OTHER MATTERS**

13 37. Pursuant to Bus. & Prof. Code section 9884.7, subdivision (c), the Director may  
14 suspend, revoke, or place on probation the registration for all places of business operated in this  
15 state by Respondent Abulashin upon a finding that he has, or is, engaged in a course of repeated  
16 and willful violations of the laws and regulations pertaining to an automotive repair dealer.

17 38. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Test Only Station  
18 License No. TC 282505, issued to Respondent Abulashin dba The Original Reliable Smog Test,  
19 is revoked or suspended, any additional license issued under Chapter 5 of Part 5 of Division 26 of  
20 the Health & Saf. Code in the name of said licensee may be likewise revoked or suspended by the  
21 director.

22 39. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Inspector License  
23 No. EO 638091, issued to Respondent Abulashin, is revoked or suspended, any additional license  
24 issued under Chapter 5 of Part 5 of Division 26 of the Health & Saf. Code in the name of said  
25 licensee may be likewise revoked or suspended by the director.

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**PRAYER**

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

1. Revoking or suspending Automotive Repair Dealer Registration Number ARD 282505, issued to Adam Ghassan Abulashin, dba The Original Reliable Smog Test;
2. Revoking or suspending any other automotive repair dealer registration issued to Adam Ghassan Abulashin;
3. Revoking or suspending Smog Check, Test Only, Station License Number TC 282505, issued to Adam Ghassan Abulashin, dba The Original Reliable Smog Test;
4. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health & Saf. Code in the name of Adam Ghassan Abulashin;
5. Revoking or suspending Smog Check Inspector License Number EO 638091, issued to Adam Ghassan Abulashin;
6. Ordering Adam Ghassan Abulashin to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
7. Taking such other and further action as deemed necessary and proper.

DATED: As of Digital Signature Date

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

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