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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. 79/24-7159

13 **MELAD I AYYOUB DBA SO CAL SMOG**
14 **923 N. Central Ave, Suite I**
Upland, CA 91786

DEFAULT DECISION AND ORDER

15 **Automotive Repair Dealer Registration No.**
16 **ARD 285956**
17 **Smog Check, Test Only Station License No.**
18 **TC 285956,**

[Gov. Code, §11520]

19 **and**

20 **MELAD IBRAHIM AYYOUB**
21 **1223 Clearspring Dr**
22 **Upland, CA 91784**

23 **Smog Check Inspector License No. EO**
24 **640089**

25 Respondent.

26 **FINDINGS OF FACT**

27 1. On or about December 9, 2024, Complainant Patrick Dorais, in his official capacity
28 as the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs, filed
Accusation No. 79/24-7159 against Melad I Ayyoub dba So Cal Smog (Respondent) before the
Director of the Department of Consumer Affairs. (Accusation attached as Exhibit A.)

1 2. On or about February 6, 2017, the Bureau of Automotive Repair (Bureau) issued
2 Automotive Repair Dealer Registration No. ARD 285956 to Respondent. The Automotive
3 Repair Dealer Registration was due to expire on February 29, 2024, however, it was cancelled on
4 October 11, 2023.

5 3. On or about February 21, 2017, the Bureau issued Smog Check Test Only Station
6 License No. TC 285956 to Respondent. The Smog Check Test Only Station License was due to
7 expire on February 29, 2024, however, it was cancelled on October 12, 2023.

8 4. On or about March 6, 2017, the Bureau issued Smog Check Inspector License No.
9 EO 640089 to Respondent. The Smog Check Inspector License will expire on July 31, 2025,
10 unless renewed.

11 5. On or about December 12, 2024, Respondent was served by Certified and First Class
12 Mail copies of the Accusation No. 79/24-7159, Statement to Respondent, Notice of Defense,
13 Request for Discovery and Discovery Statutes (Government Code sections 11507.5, 11507.6, and
14 11507.7) at Respondent's addresses of record which, pursuant to Business and Professions Code
15 section 136, are required to be reported and maintained with the Bureau. Respondent's addresses
16 of record were and are:

17 923 N. Central Ave, Suite I

18 Upland, CA 91786

19 and,

20 1223 Clearspring Dr

21 Upland, CA 91784

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

24 7. Government Code section 11506(c) states, in pertinent part:

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

8. The Bureau takes official notice of its records and the fact that Respondent failed to file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No. 79/24-7159.

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

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

10. Pursuant to its authority under Government Code section 11520, the Director after having reviewed the proof of service dated December 12, 2024, signed by Janice Park, finds Respondent is in default. The Director will take action without further hearing and, based on the relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter, finds that the charges and allegations in Accusation No. 79/24-7159, are separately and severally, found to be true and correct by clear and convincing evidence.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent has subjected his Automotive Repair Dealer Registration No. ARD 285956, Smog Check Test Only Station License, and Smog Check Technician License to discipline.

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

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

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

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

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

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

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

10 b. Health and Safety Code section 44072.2, subdivision (c), for failing to comply with
11 provisions of the California Code of Regulations, title 16 (CCR), as follows: CCR section
12 3340.24, subdivision (c) [falsely or fraudulently issuing electronic smog certificates of
13 compliance]; CCR section 3340.30, subdivision (a) [failure to inspect and test vehicles in
14 accordance with Health and Safety Code sections 44012 and 44035, and CCR section 3340.42];
15 CCR section 3340.35, subdivision (c) [issuing electronic smog certificates of compliant to
16 vehicles that had not been inspected in accordance with CCR section 3340.42]; CCR section
17 3340.41, subdivision (c) [knowingly entering false information into the emissions inspection
18 system]; and CCR section 3340.42 [failure to ensure that required smog tests were conducted in
19 accordance with Bureau specifications]; and

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

23 5. The Director of the Department of Consumer Affairs is authorized to revoke
24 Respondent's Smog Check Inspector License based upon the following violations alleged in the
25 Accusation which are supported by the evidence contained in the Default Decision Investigatory
26 Evidence Packet in this case:

27 a. Health and Safety Code section 44072.2, subdivision (a), for failing to comply with
28 Health and Safety Code sections 44032 and 44015, subdivision (b);

b. Health and Safety Code section 44072.2, subdivision (c), for failing to comply with the following sections of title 16 of the California Code of Regulations: 3340.24, subdivision (c), 3340.30, subdivision (a), 3340.41, subdivision (c), and 3340.42; and

c. Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health and Safety code section 44072.10, subdivision (c), for committing acts involving dishonesty, fraud, or deceit.

ORDER

IT IS SO ORDERED that Automotive Repair Dealer Registration No. ARD 285956, Smog Check Test Only Station License No. TC 285956, and Smog Check Inspector License No. EO 640089, all issued to Respondent, 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: Patrick Lutfi, 10949 North Mather Boulevard, Rancho Cordova, CA 95670. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on May 14, 2025.

It is so ORDERED May 1, 2025.

Original signature on file

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

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