

1 XAVIER BECERRA
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 LAURA PEDICINI
Deputy Attorney General
4 State Bar No. 200934
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 879-0269
E-mail: Laura.Pedicini@doj.ca.gov
7 *Attorneys for Complainant*

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:

13 **AASHH CORPORATION INC., DBA**
14 **MEEKLAND SMOG TEST ONLY**
15 **ABUZAR SAEED, President**
16 **21930 Meekland Avenue**
17 **Hayward, CA 94541**

Case No. 79/18-15473

ACCUSATION

18 **Automotive Repair Dealer Registration No.**
19 **ARD 291427**

20 **Smog Check, Test Only, Station License No.**
21 **TC 291427,**

22 **and**

23 **JAGTAR SINGH KAHLON**
24 **1468 N. Texas**
25 **Fairfield, CA 94533**

26 **Mailing address:**
27 **293 Shasta Ave., Apt. 224**
28 **Vacaville, CA 95687**

Smog Check Inspector License No.
EO 153981

Smog Check Repair Technician License No.
EI 153981

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.e On or about June 20, 2018, the Bureau of Automotive Repair issued Automotive
5 Repair Dealer Registration Number ARD 291427 to AASHH Corporation Inc., dba Meekland
6 Smog Test Only (Respondent Meekland Smog Test Only). The Automotive Repair Dealere
7 Registration was in full force and effect at all times relevant to the charges brought in this
8 Accusation and will expire on June 30, 2020, unless renewed.e

9 3.e On or about June 29, 2018, the Bureau of Automotive Repair issued Smog Check,e
10 Test Only, Station License Number TC 291427 to AASHH Corporation Inc., dba Meekland
11 Smog Test Only (Respondent Meekland Smog Test Only). The Smog Check, Test Only, Station
12 License was in full force and effect at all times relevant to the charges brought in this Accusation
13 and will expire on June 30, 2020, unless renewed.

14 4.e On or about October 23, 2012, the Bureau of Automotive Repair issued Smog Checke
15 Inspector License Number EO 153981 to Jagtar Singh Kahlon (Respondent Kahlon). The Smog
16 Check Inspector License was in full force and effect at all times relevant to the charges brought in
17 this Accusation and will expire on October 31, 2020, unless renewed.

18 5.e On or about October 23, 2012, the Bureau of Automotive Repair issued Smog Checke
19 Repair Technician License Number EI 153981 to Jagtar Singh Kahlon (Respondent Kahlon). The
20 Smog Check Repair Technician License expired on October 31, 2014, and has not been renewed.

21 JURISDICTION

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

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

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1 8.o Code section 477 provides, in relevant part, that "Board" includes "bureau,"o
2 "commission," "committee," "department," "division," "examining committee," "program," and
3 "agency." "License" includes certificate, registration or other means to engage in a business or
4 profession regulated by the code.

5 9.o Code section 9884.13 provides, in relevant part, that the expiration of a valido
6 registration shall not deprive the director or chief of jurisdiction to proceed with a disciplinary
7 proceeding against an automotive repair dealer or to render a decision invalidating a registration
8 temporarily or permanently.

9 10.o Health and Safety Code section 44002 provides, in relevant part, that the Director haso
10 all the powers and authority granted under the Automotive Repair Act for enforcing the Motor
11 Vehicle Inspection Program.

12 11.o Health and Safety Code section 44072.6 provides, in relevant part, that the expirationo
13 or suspension of a license by operation of law, or by order or decision of the Director of
14 Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive the
15 Director of jurisdiction to proceed with disciplinary action.

16 **STATUTES AND REGULATIONS**

17 12.o Code section 9884.7 states, in relevant part:o

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

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

26 ...
27 "(4) Any other conduct which constitutes fraud.
28 ...

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

3 13.e Code section 9889.22 states:e

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

8 14.e Code section 17200 states:e

9 “As used in this chapter, unfair competition shall mean and include any unlawful, unfair
10 or fraudulent business act or practice and unfair, deceptive, untrue or misleading advertising and
11 any act prohibited by Chapter 1 (commencing with Section 17500) of Part 3 of Division 7 of the
12 Business and Professions Code.”

13 15.e Health and Safety Code section 44012, subdivision (f) states:e

14 “The test at the smog check stations shall be performed in accordance with procedures
15 prescribed by the department, pursuant to Section 44013, shall require, at a minimum, loaded
16 mode dynamometer testing in enhanced areas, and two-speed testing in all other program areas,
17 and shall ensure all of the following:

18 ...

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

23 16.e Health and Safety Code section 44015 states, in relevant part:e

24 “(b) If a vehicle meets the requirements of Section 44012, a smog check station licensed to
25 issue certificates shall issue a certificate of compliance or a certificate of noncompliance.”

26 //

27 17.e Health and Safety Code section 44032 states:e

28 No person shall perform, for compensation, tests or repairs of emission controle

1 devices or systems of motor vehicles required by this chapter unless the person
2 performing the test or repair is a qualified smog check technician and the test or
3 repair is performed at a licensed smog check station. Qualified technicians shall
4 perform tests of emission control devices and systems in accordance with Section
5 44012.

6 18.e Health and Safety Code section 44059 states:e

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

12 19.e Health and Safety Code section 44072.2 states:e

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

16 (a)e 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,
18 which related to the licensed activities.

19 (b)eIs convicted of any crime substantially related to the qualifications,
20 functions, and duties of the licenseholder in question.

21 (c)e Violates any of the regulations adopted by the director pursuant to thise
22 chapter.

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

25 (e)e Has misrepresented a material fact in obtaining a license.e

26 (f)e Aids or abets unlicensed persons to evade the provisions of this chapter.e

27 (g)e Fails to make and keep records showing his or her transactions as ae
28 licensee, or fails to have those records available for inspection by the director or his
or her duly authorized representative for a period of not less than three years after
completion of any transaction to which the records refer, or refuses to comply with a
written request of the director to make the records available for inspection.

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

24 20.e California Code of Regulations, title 16, section 3340.30, subdivision (a), states:e

25 "A smog check technician shall comply with the following requirements at all times while
26 licensed.

“(a) A licensed technician shall inspect, test and repair vehicles 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.”

21.e California Code of Regulations, title 16, section 3340.35, subdivision (c), states:

“(c) A licensed 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.”

22.e California Code of Regulations, title 16, section 3340.41, subdivision (c), states:

“(c) No 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.”

23.e California Code of Regulations, title 16, section 3373, states:e

No automotive repair dealer or individual in charge shall, in filling out an estimate, invoice, or work order, or record required to be maintained by section 3340.15(f) of this chapter, withhold therefrom or insert therein any statement or information which will cause any such document to be false or misleading, or where the tendency or effect thereby would be to mislead or deceive customers, prospective customers, or the public.

COST RECOVERY

24.e Section 125.3 of the Code provides, in relevant part, that the Board may request the administrative law judge to direct a licensee 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, with failure of the licensee to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

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FACTUAL ALLEGATIONS

25.e Bureau representative Ian Evans (Evans) conducted a detailed review of the vehicle information database (VID) for smog check inspections performed at Meekland Smog Test Only. Evans reviewed the OIS Data for vehicles inspected by Respondent Jagtar Singh Kahlon using the BAR-OIS at Meekland Smog Test Only between August 13, 2018, and August 18, 2018. During Evans's investigation, he accessed the Vehicle Information Database (VID), and performed a focused review of BAR-OIS test data for Meekland Smog Test Only. BAR-OIS test data is the on-board diagnostic (OBD) information transmitted during a smog inspection from the computer of the vehicle being inspected to the BAR-OIS. Beginning March 9, 2015, California's Smog Check Program was updated and now requires smog inspectors and stations to use the BAR-OIS computer system during smog inspections, for most model-year 2000 and newer gasoline and hybrid vehicles, and most 1998 and newer diesel vehicles. The BAR-OIS consists of a BAR-certified Data Acquisition Device (DAD), computer, bar code scanner, and printer. The DAD serves as an on-board diagnostic (OBD) scan tool. The DAD is an interface box that connects the computer containing the BAR-OIS software to the diagnostic link connector (DLC) of the vehicle being inspected. When requested by the BAR-OIS software, the DAD retrieves data from the vehicle's on-board computer system (OBD II).

26.e The information obtained by the BAR-OIS software during a smog inspection is organized in a detailed inspection report for each vehicle inspected and is known as a BAR-OIS Test Detail. The BAR-OIS Test Detail contains information segregated into eight different blocks titled as follows: Station, Vehicle, Test Status, Visual Details, Functional Details, OBDII Details, OBDII Readiness Monitor Status, and OBDII DTC Details. For the purposes of Evans' investigation of Meekland Smog Test Only, he focused on information in the "Vehicle" and "OBDII Details" blocks because they contain a unique combination of information for the vehicle being inspected and "like vehicles" inspected.

27.e Like vehicles are vehicles of the same manufacturer, model, and model year that were inspected on the BAR-OIS. The unique combination of information analyzed by Evans includes the eVIN, PID count, and communication protocol. Evans compared the eVIN,

1 communication protocol, and PID count for each vehicle certified at Meekland Smog Test Only
2 between August 13, 2018 and August 18, 2018, to like vehicles.

3 28.e Evans identified four vehicles certified by Respondents Meekland Smog Test Only
4 and Jagtar Singh Kahlon between August 13, 2018 and August 18, 2018, that failed to transmit
5 the expected eVIN, protocol, or PID count. The data transmitted during Respondent Kahlon's
6 inspections either differed from the OIS data the vehicles transmitted during other inspections, or
7 the data was inconsistent with the OIS data transmitted by "like vehicles" inspected, or both.

8 29.e The OIS data transmitted by the vehicles during the other inspections conducted at
9 locations other than Meekland Smog Test Only was consistent with the OIS data transmitted by
10 like vehicles inspected. The OIS data transmitted by the four vehicles identified by Evans were
11 not consistent with OIS data for like vehicles inspected.

12 30.e Evans' review of The BAR-OIS data for the vehicles certified by Respondent
13 Meekland Smog Test Only and Jagtar Singh Kahlon during the above time period revealed a
14 pattern of fraudulent smog inspections that resulted in the issuance of fraudulent certificates of
15 compliance. There were at least four instances in which Respondent Kahlon certified vehicles
16 that were not connected to the DAD during the smog inspection. Respondent Kahlon therefore
17 clean-plugged four vehicles, resulting in Meekland Smog Test Only issuing four fraudulent
18 Certificates of Compliance between August 13, 2018 and August 18, 2018. The details of each
19 instance of clean plugging are as follows:

20 31.e **Clean Plug Number 1:**

21 a. Evans' review of the OIS test data for Meekland Smog Test Only indicated that one
22 August 13, 2018, Respondent Kahlon inspected a 2005 Cadillac Escalade Luxury, VIN
23 1GYEC63T05R199375, CA License #5WYJ350, and Respondent Meekland Smog Test Only
24 issued Smog Certificate of Compliance No. QM095934C. The OIS Test Data shows that during
25 Kahlon's inspection, the eVIN transmitted was not as 1GYEC63T05R199375, but rather,
26 JTHBJ46G772040798, the communication protocol was ICAN11bt5, and the PID count was
27 46|17. Similar OIS Test Data for approximately 436 like 2005 Cadillac Escalade Luxury vehicles
28

1 show that 99.3% of the time their eVIN is transmitted, they have the expected communication
2 protocol of JVPW, not ICAN11bt5, and they transmit a PID count of 22, not 46|17.

3 b.e On July 15, 2017, the same 2005 Cadillac Escalade Luxury, VINe
4 1GYEC63T05R199375, CA License #5WYJ350 that was smog checked at Respondent Meekland
5 Smog Test Only's location on August 13, 2018, was smog checked at a different Smog Check
6 Facility. During that inspection, the correct eVIN number of 1GYEC63T05R199375 was
7 transmitted, the expected communication protocol of JVPW was transmitted, and the PID count
8 was 22.

9 c. OIS Test Data located by Evans confirmed that a 2007 Lexus ES350, VINe
10 JTHBJ46G77040798 was the vehicle used to generate the Smog Certificate of Compliance for the
11 2005 Cadillac Escalade Luxury on August 13, 2018 at Meekland Smog Test Only. The 2007
12 Lexus ES350, VIN JTHBJ46G772040798 was registered to Responent Kahlon at the time of the
13 August 13, 2018 smog check at Meekland Smog Test Only.

14 32.e **Clean Plug Number 2:**

15 a.e Evans' review of the OIS test data for Meekland Smog Test Only indicated that one
16 August 13, 2018, Respondent Kahlon inspected a 2004 Nissan Titan XE, VIN
17 1N6AA06A94N524626, CA License #8H18668, and Respondent Meekland Smog Test Only
18 issued Smog Certificate of Compliance No. QM095936C. The OIS Test Data shows that during
19 Kahlon's inspection, the eVIN was transmittd as JTHBJ46G772040798, the communication
20 protocol was transmitted as ICAN11bt5, and the PID Count was 46|17. Similar OIS test data for
21 approximately 1000 like 2004 Nissan Titan XE vehicles show that 99.7% of the time they do not
22 transmit an eVIN, have an expected communication protocol of I914, not ICAN11bt5, and they
23 transmit a PID count of 22, not 46|17.

24 b.e OIS Test Data confirmed that a 2007 Lexus ES350, VIN JTHBJ46G772040798 wase
25 the vehicle used to generate the Smog Certificate of Compliance for the 2004 Nissan Titan XE on
26 August 13, 2018 at Meekland Smog Test Only. Respondent Kahlon was the registered owner of
27 the 2007 Lexus ES350, VIN JTHBJ46G772040798 at the time of the August 13, 2018 smog
28 check at Meekland Smog Test Only.

1 33.e **Clean Plug Number 3:**

2 a.e Evans' review of the OIS test data for Meekland Smog Test Only indicated that one
3 August 17, 2018, Respondent Kahlon inspected a 2006 Volkswagen Jetta 2.5 Option Package 1,
4 VIN 3VWSG71K56M798768, CA License #5WGR310, and Respondent Meekland Smog Test
5 Only issued Smog Certificate of Compliance No. QM095947C. The OIS test data shows that
6 during Kahlon's inspection, the eVIN was transmitted as 5TDKK4CCXAS315970, the
7 communication protocol was transmitted as ICAN11bt5, and the PID count was 46. Comparative
8 OIS test data for approximately 717 like 2006 Volkswagen Jetta 2.5 Option Package I vehicles
9 show that 98.3% of the time their eVIN is transmitted, they transmit a communication protocol of
10 ICAN11bt5, and they transmit a PID count of 38|15, 40, 40|14, or 40|15, not 46.

11 b.e On November 21, 2016, the same 2006 Volkswagen Jetta 2.5 Option Package I,
12 VIN 3VWSG71K56M798768, CA License #5WGR310, was smog checked at a different Smog
13 Check facility. During that inspection, the eVIN affiliated with the 2006 Volkswagen Jetta 2.5
14 Option Package 1 was correctly transmitted as 3VWSG71K56M798768, the communication
15 protocol was transmitted as ICAN11bt5, and the PID count was 40|15.

16 c. OIS Test Data confirmed that a 2010 Toyota Sinna CE, VIN
17 5TDKK4CCXAS315970, was the vehicle used to generate the Smog Certificate of Compliance
18 for the 2006 Volkswagen Jetta 2.5 on August 17, 2018. Respondent Kahlon certified the 2010
19 Toyota Sienna CE at Meekland Smog Test Only the same day. The OIS Test Data transmitted for
20 the 2010 Toyota Sienna CE matches the OIS test data for the 2006 Volkswagen Jetta 2.5 Option
21 Package 1 for the eVIN, Protocol, and PID count.

22 34.e **Clean Plug Number 4:**

23 a.e Evans' review of the OIS test data for Meekland Smog Test Only indicated that one
24 August 17, 2018, Respondent Kahlon inspected a 2000 Ford F150 SVT Lightning, VIN
25 2FTZF0735YCA81474, and Respondent Meekland Smog Test Only issued Smog Certificate of
26 Compliance No. QM095949C. The OIS Test Data shows that Respondent Kahlon transmitted
27 eVIN JTHBJ46G772040798, the communication protocol was ICAN11bt5, and the PID count
28 was 46|17. Comparative OIS Test Data for approximately 299 like 2000 Ford F150 SVT

Lightning vehicles shows that 97.3% of the time they do not transmit an eVIN, they transmit a communication protocol of JPWM, not ICAN11bt5, and they transmit a PID count of 20, not 46|17.

b. OIS Test Data confirmed that a 2007 Lexus ES350, VIN JTHBJ46G772040798 was the vehicle used to generate the Smog Certificate of Compliance for the 2000 Ford F150 SVT Lightning on August 17, 2018 at Meekland Smog Test Only. Respondent Kahlon was the registered owner of the 2007 Lexus ES350, VIN JTHBJ46G772040798 at the time of the August 17, 2018 smog check at Meekland Smog Test Only.

TABLE 1

Clean Plug 1	Cert. #QM095934C	eVIN	Protocol	PID Count
	Fraudulent Inspection 8/13/2018	JTHBJ46G772040798	ICAN11bt5	46 17
	Expected OBD II Value	1GYEC63T05R199375	JVPW	22
	Prior Inspection 7/15/2017	1GYEC63T05R199375	JVPW	22
Clean Plug 2	Cert. #QM095936C	eVIN	Protocol	PID Count
	Fraudulent Inspection 8/13/2018	JTHBJ46G772040798	ICAN11bt5	46 17
	Expected OBD II Value	None	I914	22
Clean Plug 3	Cert. #QM095947C	eVIN	Protocol	PID Count
	Fraudulent Inspection 8/17/2018	5TDKK4CCXAS315970	ICAN11bt5	46
	Expected OBD II Value	3VWVG71K56M798768	ICAN11bt5	38 15, 40 14 or 40 15
	Prior Inspection 11/21/2016	3VWVG71K56M798768	ICAN11bt5	40 15
Clean Plug 4	Cert. #QM095949C	eVIN	Protocol	PID Count
	Fraudulent Inspection 8/17/2018	JTHBJ46G772040798	ICAN11bt5	46 17
	Expected OBD II Value	None	JPWM	20

Respondent Meekland Smog Test Only:

**FIRST CAUSE FOR DISCIPLINE
(Making or Authorizing Untrue or Misleading Statements)
(Bus. & Prof. Code, § 9884.7, subd. (a)(1))**

35.e Respondent Meekland Smog Test Only has subjected its Automotive Repair Dealere Registration to disciplinary action in that Respondent Meekland Smog Test Only made untrue statements when it issued four fraudulent certificates of compliance and failed to comply with the Automotive Repair Act as set forth in paragraphs 25 through 34, above.

**SECOND CAUSE FOR DISCIPLINE
(Fraud)
(Bus. & Prof. Code, § 9884.7, subd. (a)(4))**

36.e Respondent Meekland Smog Test Only has subjected its Automotive Repair Dealere Registration to disciplinary action in that Respondent Meekland Smog Test Only engaged in fraud when it issued four fraudulent certificates of compliance as set forth in paragraphs 25 through 34, above. (Bus. & Prof. Code, section 9884.7, subd. (a)(4).)

**THIRD CAUSE FOR DISCIPLINE
(Failure to Comply with the Automotive Repair Act)
(Bus. & Prof Code, § 9884.7, subd. (a)(6); Health & Saf. Code, § 44072.2, subds. (a) & (c))**

37.e Respondent Meekland Smog Test Only has subjected its Automotive Repair Dealere Registration and Smog Station License to disciplinary action in that it failed to comply with the Automotive Repair Act and sections of the Code and applicable regulations as set forth in paragraphs 25 through 34, above. (Bus. & Prof Code, § 9884.7, subd. (a)(6); Health & Saf. Code, §44072.2, subds. (a) & (c).) The violations are as follows:e

a. **Health & Safety Code, § 44012, subd. (f):** Respondent Meekland Smog Test Onlye failed to follow test procedures in accordance with the Onboard Inspection System (OIS) specifications when it failed to properly conduct the functional portion of the smog inspection by failing to connect four vehicles to the BAR-OIS when they were being certified.

b.e **Health & Safety Code, § 44015, subd. (b):** Respondent Meekland Smog Test Onlye certified prohibited vehicles when it issued certificates to four vehicles that were not connected to the BAR-OIS when they were being certified.

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1e c. **Cal. Code Regs., tit. 16, § 3340.35, subd. (c):** Respondent Meekland Smog Teste
2 Only issued certificates of compliance to vehicles that were not properly inspected in accordance
3 with California Code of Regulations, title 16, section 3340.42.

4 d. **Cal. Code Regs., tit. 16, § 3340.42, subd. (b)(2):** Respondent Meekland Smog Teste
5 Only failed to conduct the functional inspection in accordance with the smog check manual
6 referenced in California Code of Regulations, title 16, section 3340.45.

7 e. **Cal. Code Regs., tit. 16, § 3373:** Respondent Meekland Smog Test Only issued falsee
8 or misleading records when it issued four fraudulent certificates of compliance.

9 **FOURTH CAUSE FOR DISCIPLINE**
10 **(Dishonesty, Fraud, or Deceit)**
11 **(Health & Saf. Code, § 44072.2, subd. (d))**

12 38.e Respondent Meekland Smog Test Only has subjected its Smog Station License toe
13 discipline in that it committed acts involving dishonesty, fraud, or deceit, whereby another was
14 injured, by issuing four fraudulent certificates of compliance as set forth in paragraphs 25 through
15 34, above. (Health & Saf. Code, § 44072.2, subd. (d).)

16 **Respondent Kahlon:**

17 **FIFTH CAUSE FOR DISCIPLINE**
18 **(Violation of Motor Vehicle Inspection Program)**
19 **(Health & Saf. Code, § 44072.2, subds. (a) & (c))**

20 39.e Respondent Kahlon has subjected his smog inspector's license to discipline in that hee
21 violated sections of the Code and applicable regulations when he failed to connect four vehicles
22 to the BAR-OIS when they were being certified, as set forth in paragraphs 25 through 34, above.
23 (Health & Saf. Code, § 44072.2, subds. (a) & (c).) The circumstances are as follows:

24 a.e **Health & Saf. Code, § 44012, subd. (f):** Respondent Kahlon failed to follow teste
25 procedures in accordance with the OIS specifications and failed to perform a functional
26 inspection of required equipment.

27 b.e **Health & Saf. Code, § 44032:** Respondent Kahlon failed to ensure that the emissions
28 control tests were performed in accordance with the procedures prescribed by the department.

c. **Cal. Code Regs., tit. 16, § 3340.24, subd. (c):** Respondent Kahlon falsely ore
fraudulently caused certificates of compliance to be issued to vehicles without performing bona

1 fide inspections of the emission control devices and systems on the vehicles as required by Health
2 and Safety Code section 44012.

3 d.e **Cal. Code Regs., tit. 16, § 3340.30, subd. (a):** Respondent Kahlon failed to inspecte
4 and test four vehicles in accordance with Health & Safety Code sections 44012 and 44035, and
5 California Code of Regulations, title 16, section 3340.42.

6 e.e **Cal. Code Regs., tit. 16, § 3340.35, subd. (c):** Respondent Kahlon caused e
7 certificates of compliance to be issued to vehicles that were not properly inspected in accordance
8 with California Code of Regulations, title 16, section 3340.42.

9 f.e **Cal. Code Regs., tit. 16, § 3340.41, subd. (c):** Respondent Kahlon entered into thee
10 BAR-OIS vehicle identification information or emission inspection information for a vehicle
11 other than the vehicle being inspected, and also entered false information for the vehicle being
12 inspected.

13 g. **Cal. Code Regs., tit. 16, § 3340.42, subd. (b)(2):** Respondent Kahlon failed toe
14 conduct the functional inspection in accordance with the smog check manual referenced in
15 California Code of Regulations, title 16, section 3340.45.

16 **SIXTH CAUSE FOR DISCIPLINE**
17 **(Violation of Motor Vehicle Inspection Program)**
18 **(Health & Saf. Code, § 44072.2, subd. (d))**

19 40.e Respondent Kahlon has subjected his smog inspector's license to discipline in that hee
20 committed acts involving dishonesty, fraud, or deceit, whereby another was injured, when he
21 caused four fraudulent certificates of compliance to be issued as set forth in paragraphs 24
22 through 33, above. (Health & Saf. Code, § 44072.2, subd. (d).)

23 **OTHER MATTERS**

24 41.e Pursuant to Code section 9884.7, subdivision (c), the Director may suspend, revoke,e
25 or place on probation the registration for all places of business operated in this state by AASHH
26 Corporation, Inc. — upon a finding that Respondent Meekland Smog Test Only has, or is,
27 engaged in a course of repeated and willful violations of the laws and regulations pertaining to an
28 automotive repair dealer.

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42.e Pursuant to Health & Safety Code section 44072.8, if Respondent Meekland Smoge Test Only — Abuzar Saeed (President)—Smog Station License Number TC 291427 is revoked or suspended, any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of said licensee may be likewise revoked or suspended by the director.

43.e Pursuant to Health & Safety Code section 44072.8, if Respondent Jagtar Singhe Kahlon's Smog Check Inspector License Number EO 153981 or Smog Check Repair License Number EI 153981 is revoked or suspended, any additional licenses issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of said licensee may be likewise revoked or suspended by the director.

DISCIPLINE CONSIDERATIONS

44.e To determine the degree of discipline, if any, to be imposed on Respondent Jagtare Singh Kahlon, Complainant alleges that on May 1, 2007, in a prior disciplinary action, the Bureau of Automotive Repair issued Citation No. M07-0820 against Respondent Kahlon for illegal smog check and certification activity, in violation of Health & Safety Code section 44032. The Citation required Respondent to complete an eight-hour training course, which he completed on June 6, 2007. That decision is now final.

45.e To determine the degree of discipline, if any, to be imposed on Respondent Jagtare Singh Kahlon, Complainant alleges that on August 30, 2011, in a prior disciplinary action, the Bureau of Automotive Repair issued Citation No. M2012-0194 against Respondent Kahlon for illegal smog check and certification activity, in violation of Health & Safety Code section 44032. The Citation required Respondent to complete an eight-hour training course, which he completed on August 16, 2012. That decision is now final.

46. To determine the degree of discipline, if any, to be imposed on Respondent Jagtar Singh Kahlon, Complainant alleges that on February 8, 2016, in a prior disciplinary action, the Bureau of Automotive Repair issued Citation and Order of Abatement No. M2016-359 against Respondent Kahlon for inspecting and certifying a vehicle using the BAR-97 when the OIS test was required, in violation of Health & Safety Code section 44032. The Order of Abatement

1 required Respondent to immediately cease using the BAR-97 when the OIS test was required.
2 That decision is now final.

3 **PRAYER**

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

6 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
7 291427, issued to AASHH Corporation Inc., dba Meekland Smog Test; Abuzar Saeed;

8 2. Revoking or suspending any other Automotive Repair Dealer Registrations issued to
9 Abuzar Saeed, President; AASHH Corporation Inc.;

10 3. Revoking or suspending Smog Check, Test Only, Station License Number TC
11 291427, issued to AASHH Corporation Inc., dba Meekland Smog Test; Abuzar Saeed;

12 4. Revoking or suspending any additional licenses issued under Chapter 5 of Part 5 of
13 Division 26 of the Health and Safety Code in the name of AASHH Corporation Inc.; Abuzar
14 Saeed, President;

15 5. Revoking or suspending Smog Check Inspector License Number EO 153981, issued
16 to Jagtar Singh Kahlon;

17 6. Revoking or suspending Smog Check Repair Technician License Number EI 153981,
18 issued to Jagtar Singh Kahlon;

19 7. Revoking or suspending any additional licenses issued under Chapter 5 of Part 5 of
20 Division 26 of the Health and Safety Code in the name of Jagtar Singh Kahlon;

21 8. Ordering Meekland Smog Test Only and Jagtar Singh Kahlon to pay the Bureau of
22 Automotive Repair the reasonable costs of the investigation and enforcement of this case,
23 pursuant to Business and Professions Code section 125.3; and,

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

25 DATED: September 25, 2019

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