ROB BONTA
Attorney General of California
ERIN M. SUNSERI
Supervising Deputy Attorney General
GREGORY J. SALUTE
Supervising Deputy Attorney General
State Bar No. 164015
600 West Broadway, Suite 1800
San Diego, CA 92101
Telephone: (619) 738-9431
Facsimile: (916) 732-7920
E-mail: Gregory.Salute@doj.ca.gov
Attorneys for Complainant

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

In the Matter of the Accusation Against**:** **MOHAMMED ALMAGHAZACHI d.b.a. BEST SMOG STATION 2** **1139 Third Ave** **Chula Vista, CA 91911** **Automotive Repair Dealer Registration No. ARD 305522; Smog Check Station License No. TC 305522** **-and-** **JAFAR NASER ALSALEH** **24905 Pine Creek Loop** **Corona, CA 92883** **Smog Check Inspector License No. EO 639476, Smog Check Repair Technician Number EI 639476** Respondents.	Case No. **79/25-2733** OAH No. **ACCUSATION**

PARTIES

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

2. On or about April 12, 2023, Bureau of Automotive Repair issued Automotive Repair Dealer Registration Number ARD 305522 to Mohammed Almaghazachi, dba Best Smog Station

2 (Respondent Best Smog Station). The Automotive Repair Dealer Registration was in full force and effect at all times relevant to the charges brought herein and will expire on April 30, 2026, unless renewed.

3. On or about April 28, 2023, Bureau of Automotive Repair issued Smog Check, Test-Only, Station License Number TC 305522 to Mohammed Almaghazachi, dba Best Smog Station 2. The Smog Check, Test-Only, station license was in full force and effect at all times relevant to the charges brought herein and will expire on April 30, 2026, unless renewed.

4. Respondent is also certified as a STAR Station. The certification was issued on July 24, 2023, and will remain active unless the ARD registration and/or Smog Check Station license is revoked, canceled, licenses become delinquent, or the certification is suspended.

5. On or about July 18, 2016, Bureau of Automotive Repair issued Smog Check Inspector License Number EO 639476 to Jafar Naser Alsaleh (Respondent Alsaleh). The Smog Check Inspector License expired on July 31, 2024, and has not been renewed.

6. On or about November 7, 2018, Bureau of Automotive Repair issued Smog Check Repair Technician License Number EI 639476 to Jafar Naser Alsaleh. The Smog Check Repair Technician License expired on July 31, 2022, and has not been renewed.

JURISDICTION

7. This Accusation is brought before the Director of the Department of Consumer Affairs ("Director") for the Bureau, under the authority of the following laws.

8. Section 9884.7 of the Business and Professions Code[1] provides that the Director may revoke an ARD registration.

9. Section 9884.13 of the Code provides, in pertinent part, that the expiration of a valid registration shall not deprive the director or chief of jurisdiction to proceed with a disciplinary proceeding against an automotive repair dealer or to render a decision invalidating a registration temporarily or permanently.

[1] All statutory references herein shall be to the Business and Professions Code unless specifically stated otherwise.

10. Section 44002 of the Health and Safety Code 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. Section 44072.6 of the Health and Safety Code 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. Section 9884.7 of the Code states:

> (a) The director, where the automotive repair dealer cannot show there was a bona fide error, may deny, suspend, revoke, or place on probation the registration of an automotive repair dealer for any of the following acts or omissions related to the conduct of the business of the automotive repair dealer, which are done by the automotive repair dealer or any automotive technician, employee, partner, officer, or member of the automotive repair dealer.
>
> (1) Making or authorizing in any manner or by any means whatever any statement written or oral which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading.
>
> . . .
>
> (4) Any other conduct which constitutes fraud.
>
> . . .
>
> (6) Failure in any material respect to comply with the provisions of this chapter or regulations adopted pursuant to it.

13. Section 44072.2 of the Health and Safety Code states:

> The director may suspend, revoke, or take other disciplinary action against a license as provided in this article if the licensee, or any partner, officer, or director thereof, does any of the following:
>
> (a) Violates any section of this chapter [the Motor Vehicle Inspection Program (Health and Saf. Code, ' 44000, et seq.)] and the regulations adopted pursuant to it, which related to the licensed activities. . . .
>
> (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 44072.10 of the Health and Safety Code states, in pertinent part:

. . .

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

(1) Clean piping, as defined by the department. . . .

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

REGULATORY PROVISIONS

15. California Code of Regulations, 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. California Code of Regulations, title 16, section 3340.30, states:

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

17. California Code of Regulations, title 16, section 3340.35, states, in pertinent part:

. . . .

(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. . . .

18. California Code of Regulations, 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

19. Section 125.3 of the Code provides, in pertinent part, that the 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, with failure of the licentiate 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.

VID DATA REVIEW

20. Beginning March 9, 2015, California's Smog Check Program was updated to require the use of an On-Board Diagnostic Inspection System ("OIS"). OIS is the Smog Check equipment required in all areas of the State when inspecting most model-year 2000 and newer gasoline and hybrid vehicles and most 1998 and newer diesel vehicles. The system consists of a certified Data Acquisition Device ("DAD"), computer, bar code scanner, and printer. The DAD is an On Board Diagnostic ("OBD") scan tool that, when requested by the California OIS software, retrieves OBD data from the vehicle. All OBD data that the vehicle indicates it supports is requested by the California OIS software and will be retrieved. The DAD connects between the OIS computer and the vehicle's DLC. The California OIS software requires a continuous Internet connection when performing a Smog Check inspection and the OIS software communicates with BAR's central database through the Internet connection. The bar code scanner is used to input technician information, the vehicles identification number ("VIN"), and DMV renewal information. The printer provides a Vehicle Inspection Report ("VIR") containing inspection results for motorists and a Smog Check Certificate of Compliance number for passing vehicles.

21. Data retrieved and recorded during an OIS smog check includes; the eVIN, which is the digitally stored VIN programmed into the vehicle's Powertrain Control Module ("PCM"); the communication protocol, which is the manufacturer/vehicle specific language the PCM uses to relay information; and the number of Parameter Identifications ("PIDs"), which is the number of specific data values each PCM uses related to emissions controls.

22. During an OIS inspection, engine operating parameters are retrieved from the vehicle's OBD II system and recorded to the VID. This is accomplished during the functional portion of the OIS Smog Check inspection by plugging the DAD into the vehicle's DLC when prompted by the OIS analyzer screen prompt. Some of the parameters recorded are:

• Engine speed in revolutions per minute (RPM)

• Throttle position as measured by a throttle position sensor (TPS) mounted onto the throttle shaft. Measured in a percentage of opening from 0% at idle and near or up to 100% at full throttle.

• Manifold absolute pressure as measured by a manifold air pressure sensor (MAP) connected to an intake manifold source, measured in kilo pascals (kpa). Typical readings for a normally aspirated vehicle as follows: 0 kpa being absolute vacuum, 25kpa to 45kpa at idle, 101 kpa at full throttle, same as atmospheric pressure at sea level.

• Mass air flow as measured by a mass air flow sensor (MAF) mounted in the engine's air intake tract. Measured in grams per second (gps).[2]

• Ignition timing is set by the vehicle PCM based on engine speed and load, and is measured in degrees Before Top Dead Center (BTDC).

23. During normal engine operation at idle, engine speed is relatively steady around its target idle speed. With the engine idling, the TPS is steady and at or near 0%. The MAP and/or MAF readings are also steady. For the engine speed to increase, the throttle would have to be opened to increase airflow through the engine. The engine's management systems supply fuel and spark timing appropriate to any changes in throttle position and engine speed. An increase in throttle, measured by the TPS, which increases engine RPM, would result in corresponding increases in MAF as well as a change in MAP. Stated another way, any movement in the throttle from the idle position will result in an increase of airflow through the engine with corresponding increases RPM and/or MAF along with changes in MAP.

24. During an OIS Smog Check inspection, along with other visual and functional inspections, there is an OBD II query portion of the inspection. The OBD II query is performed with the engine idling and, when requested by the OIS analyzer, and an elevated or increased engine speed.

[2] Not all vehicles include both MAP and MAF parameters. Many vehicles will have either MAP or MAF parameters separately.

25. If the vehicle passes the visual, functional and tailpipe tests, it passes the overall inspection, and a Certificate of Compliance is issued and transmitted electronically to the Vehicle Information Database ("VID"). These Certificates of Compliance are purchased in blocks of fifty (50) through the EIS or OIS from the VID, using a pre-arranged electronic bank account debit system or by check, via mail, from Bureau Headquarters in Sacramento. 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.

26. The VID contains registration data from Department of Motor Vehicles ("DMV") plus emission standards, vehicle smog check inspections, smog check stations and technicians, and Certificates of Compliance. The VID receives the passing smog check results immediately following the inspection. During the vehicle registration process, the DMV accesses the VID to verify that the vehicle has been tested and certified. The Bureau can also 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. The EIS or OIS, depending on the test type, also prints a Vehicle Inspection Report ("VIR"), which is a physical record of the test results and shows the Certificate of Compliance number that was issued if the vehicle passed the smog inspection.

27. The smog check technician must sign the VIR under penalty of perjury to indicate that the inspection was done within Bureau guidelines. Smog Check Stations are required by law to maintain a copy of the VIR along with a copy of the repair invoice for three years. The consumer's VIR serves as a receipt and proof that the VID was updated, and a Certificate of Compliance was issued. Licensed Smog Check Technicians are the only persons authorized by the Bureau to perform official inspections. They are issued a personal access code and a license, which are used to gain access to the EIS and OIS to perform smog check inspections. Unauthorized use of another technician's access code or license is prohibited.

28. Respondents have engaged in numerous acts or omissions constituting violations of the Automotive Repair Act (Business and Professions Code section 9880 *et seq*.) and Motor Vehicle Inspection Program (Health and Safety Code section 44000 *et seq*.) through their practice

of "clean plugging."[3] Respondent's OIS Test Data available on the State database indicates that Respondents are involved in fraudulent smog inspection activities. A Bureau representative initiated an investigation based on information transmitted to the VID for smog check inspections performed by Respondents. The investigation revealed that the data related to certain vehicles certified by Respondents contained a pattern of unmistakable discrepancies between the information transmitted during the inspections and documented information known about the vehicles at issue. 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 ten (10) of the certified vehicles were fraudulently tested by Respondents during the smog inspection using the "clean plugging" method as follows:

Clean Plug #1

29. Bureau program representative Hector Barraza (Barraza) reviewed the OIS Test Data for Best Smog Station 2. The review shows that on January 30, 2024, a 2002 Dodge Ram 1500, VIN # 1D7HA18Z92J164410, CA License # 6V13135 was tested and smog certificate # TS014786C was issued under Jafar Naser Alsaleh's Smog Check Inspector License #EO 639476.

30. The Dynamic PID chart for the 2002 Dodge Ram 1500 shows that between time stamp 363 and 17679, the engine RPM is steady at around 580 RPM. During this time, the data shows that the throttle is fluctuating between 8.2% opening and 11.8% opening, and the MAP is fluctuating between 33kPa and 41kPa. After time stamp 17679, the data shows the engine RPM is increased and stays elevated at no less than 1558 RPM. During the elevated engine RPM, the data shows the throttle is fluctuating between 6.7% opening to 11.8% opening, and the MAP is fluctuating between 33kPa and 43kPa.

31. The steady idle and elevated engine RPM data along with the improbable throttle positions and fluctuating MAP readings are not characteristic or expected for normal engine operation. The throttle positions and MAP readings are expected to be stable during the steady

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

idle, not fluctuating erratically. Subsequently, the throttle is expected to rise during the elevated engine RPM. During the improbable readings, the throttle had data points during the elevated engine RPM which were lower than data points at idle. The throttle data points during the elevated engine RPM never increased past the highest data point at idle. The discrepancies in the OIS test data prove the Data Acquisition Device (DAD) was not connected as required to the 2002 Dodge Ram 1500 being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

Clean Plug #2

32. Barraza reviewed the OIS Test Data for Best Smog Station 2. The review shows that on February 26, 2024, a 2004 Chevrolet Express G3500, VIN # 1GBJG31U241179391, CA License # 7K58857 was tested and smog certificate # TS541598C was issued under Jafar Naser Alsaleh's Smog Check Inspector License #EO 639476.

33. The Dynamic PID chart for the 2004 Chevrolet Express G3500 shows that between time stamp 330 and 19149, the engine RPM is steady at around 555 RPM. During this time, the data shows that the throttle is fluctuating between 2.7% opening and 4.3% opening, the MAF is fluctuating between 5.3gps and 7.01gps, and the MAP is fluctuating between 32kPa and 44kPa. After time stamp 19149, the data shows the engine RPM is increased and stays elevated at no less than 1476 RPM. During the elevated engine RPM, the data shows the throttle is fluctuating between 0% opening to 4.3% opening, the MAF is fluctuating between 6.58gps and 7.46gps, and the MAP is fluctuating between 33kPa and 45kPa.

34. The steady idle and elevated engine RPM data along with the improbable throttle positions, MAF readings and fluctuating MAP readings are not characteristic or expected for normal engine operation. The throttle positions, MAF and MAP readings are expected to be stable during the steady idle, not fluctuating erratically. Subsequently, the throttle and MAF are expected to rise during the elevated engine RPM. During the improbable readings, the throttle and MAF had data points during the elevated engine RPM which were lower than data points at idle. The throttle data points during the elevated engine RPM never increased past the highest data point at idle.

35. The discrepancies in the OIS test data prove the Data Acquisition Device (DAD) was not connected as required to the 2004 Chevrolet Express G3500 being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

Clean Plug #3

36. Barraza reviewed the OIS Test Data for Best Smog Station 2. The review shows that on March 13, 2024, a 2002 Toyota Sienna CE, VIN # 4T3ZF19C62U451294, CA License # 5GAU348 was tested and smog certificate # IZ425988C was issued under Jafar Naser Alsaleh's Smog Check Inspector License #EO 639476.

37. The Dynamic PID chart for the 2002 Toyota Sienna CE shows that between time stamp 870 and 23112, the engine RPM is steady at around 640 RPM. During this time, the data shows that the throttle is fixed at 9.4% opening while the MAF drops from 4.21gps to 3.07gps. After time stamp 23112, the data shows the engine RPM is increased and stays elevated at no less than 1480 RPM. During the elevated engine RPM, the data shows the throttle drops to a fixed 8.6% opening, and the MAF is between 2.96gps and 3.18gps.

38. The steady idle and elevated engine RPM data along with the improbable throttle positions and MAF readings are not characteristic or expected for normal engine operation. The throttle positions and MAF readings are expected to be stable during the steady idle and subsequently raised during the elevated engine RPM. During the improbable readings, the throttle and MAF had lower data points during the elevated engine RPM than data points at idle. The throttle and MAF data points during the elevated engine RPM never increased past the highest data point at idle. The discrepancies in the OIS test data prove the Data Acquisition Device (DAD) was not connected as required to the 2002 Toyota Sienna CE being certified causing the issuance of a fraudulent Smog Check Certificate of Compliance.

Clean Plug #4

39. Barraza reviewed the OIS Test Data for Best Smog Station 2. The review shows that on March 23, 2024, a 2003 Toyota Corolla CE, VIN # 1NXBR32E23Z163864, CA License # 6DYK522 was tested and smog certificate # TU489709C was issued under Jafar Naser Alsaleh's Smog Check Inspector License #EO 639476.

40. The Dynamic PID charts and data for the 2003 Toyota Corolla CE shows that between time stamp 850 and 20721, the engine RPM is steady at around 710 RPM. During this time, the data shows that the throttle is fixed at 11.4% opening while the MAF rises from 0.27gps to 2.01gps. After time stamp 20721, the data shows the engine RPM is increased and stays elevated at no less than 1544 RPM. During the elevated engine RPM, the data shows the throttle drops from 11.8% to 9.4% opening and the MAF is between 1.82gps to 2.16gps.

41. The steady idle and elevated engine RPM data along with the improbable throttle positions and MAF readings are not characteristic or expected for normal engine operation. The throttle positions and MAF readings are expected to be stable during the steady idle and subsequently raised during the elevated engine RPM. During the improbable readings, the throttle and MAF had a lower data point during the elevated engine RPM than the highest data point at idle. Additionally, during the elevated engine RPM, the data shows an improbable inverse correlation between the throttle and MAF. The discrepancies in the OIS test data prove the Data Acquisition Device (DAD) was not connected as required to the 2003 Toyota Corolla CE being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

Prior Inspection

42. On February 23, 2022, a previous Smog Check inspection was performed on the 2003 Toyota Corolla CE at a different, unrelated Smog Check station. The Dynamic PID chart for the 2003 Toyota Corolla shows that between time stamp 839 and 24345, the engine RPM is steady at around 720 RPM. During this time, the data shows that the throttle is at 11% opening and the MAF is stable between 1.78gps and 1.79gps. After time stamp 24345, the data shows the engine RPM is increased and held steady at around 2250 RPM.

43. During the elevated engine RPM, the data shows that the throttle is at a fixed 13.7%, and the MAF is stable between 5.45gps and 5.5gps. The steady idle and steady elevated engine RPM data along with the associated throttle positions and subsequent MAF readings are characteristic and expected for normal engine operation.

///

///

Clean Plug #5

44. Barraza reviewed the OIS Test Data for Best Smog Station 2. The review shows that on April 4, 2024, a 2000 Toyota Tundra Access Cab, VIN # 5TBRT3415YS064426, CA License # 6F57400 was tested and smog certificate # TU934454C was issued under Jafar Naser Alsaleh's Smog Check Inspector License #EO 639476.

45. The Dynamic PID chart for the 2000 Toyota Tundra Access Cab shows that between time stamp 813 and 21482, the engine RPM is steady at around 660 RPM. During this time, the data shows that the throttle increases from 14.5% and 18% opening, while the MAF drops from 7.19gps to 6.63gps. After time stamp 21482, the data shows the engine RPM is increased and stays elevated at no less than 1816 RPM. During the elevated engine RPM, the data shows that the throttle is between 12.9% and 18% opening, and the MAF is between 6.46gps and 6.79gps.

46. The steady idle and elevated engine RPM data along with the improbable throttle positions and MAF readings are not characteristic or expected for normal engine operation. The throttle positions and MAF readings are expected to be stable during the steady idle and subsequently raised during the elevated engine RPM. During the improbable readings, the throttle and MAF had lower data points during the elevated engine RPM than data points at idle. The throttle and MAF data points during the elevated engine RPM never increased past the highest data point at idle. The discrepancies in the OIS test data prove the Data Acquisition Device (DAD) was not connected as required to the 2000 Toyota Tundra Access Cab being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

Clean Plug #6

47. Barraza reviewed the OIS Test Data for Best Smog Station 2. The review shows that on April 27, 2024, a 2001 Toyota Sienna LE, VIN # 4T3ZF13C71U405769, CA License # 8DUB055 was tested and smog certificate # TW616552C was issued under Jafar Naser Alsaleh's Smog Check Inspector License #EO 639476.

48. The Dynamic PID chart for the 2001 Toyota Sienna LE shows that between time stamp 845 and 21416, the engine RPM is steady at around 660 RPM. During this time, the data shows that the throttle drops from 11.4% to 9% opening and the MAF is between 3.71gps and

3.92gps. After time stamp 21416, the data shows the engine RPM is increased and stays elevated at no less than 1454 RPM. During the elevated engine RPM, the data shows the throttle is varying between 7.5% and 9% opening and the MAF is varying between 4.11gps and 5.04gps.

49. The steady idle and elevated engine RPM data along with the improbable throttle positions and MAF readings are not characteristic or expected for normal engine operation. The throttle positions and MAF readings are expected to be stable during the steady idle and subsequently raised during the elevated engine RPM. During the improbable readings, the throttle had data points during the elevated engine RPM which were lower than data points at idle. The throttle data points during the elevated engine RPM never increased past the highest data point at idle.

50. The discrepancies in the OIS test data prove the Data Acquisition Device (DAD) was not connected as required to the 2001 Toyota Sienna LE being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

Clean Plug #7

51. Barraza reviewed the OIS Test Data for Best Smog Station 2. The review shows that on April 27, 2024, a 2000 Toyota Tundra Access Cab Limited, VIN # 5TBRT3818YS060722 License # 6G54193 was tested and smog certificate # TW616553C was issued under Jafar Naser Alsaleh's Smog Check Inspector License #EO 639476.

52. The Dynamic PID chart for the 2000 Toyota Tundra Access Cab Limited shows that between time stamp 841 and 19611, the engine RPM is steady at around 670 RPM. During this time, the data shows that the throttle drops from 16.9% to 16.1% opening, and the MAF is drops from 5.72gps to 5.29gps. After time stamp 19611, the data shows the engine RPM is increased and stays elevated at no less than 1357 RPM. During the elevated engine RPM, the data shows that the throttle drops from 16.1% to 14.5% opening, and the MAF is between 7.58gps and 7.59gps.

53. The steady idle and elevated engine RPM data along with the improbable throttle positions and MAF readings are not characteristic or expected for normal engine operation. The throttle positions and MAF readings are expected to be stable during the steady idle and

subsequently raised during the elevated engine RPM. During the improbable readings, the throttle had lower data points during the elevated engine RPM than data points at idle. The throttle data points during the elevated engine RPM never increased past the highest data point at idle. The discrepancies in the OIS test data prove the Data Acquisition Device (DAD) was not connected as required to the 2000 Toyota Tundra Access Cab Limited being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

Clean Plug #8

54. Barraza reviewed the OIS Test Data for Best Smog Station 2. The review shows that on May 1, 2024, a 2006 Chevrolet Silverado C2500 Heavy Duty, VIN # 1GCHC24U16E210895, CA License # 8C30551 was tested and smog certificate # TW616585C was issued under Jafar Naser Alsaleh's Smog Check Inspector License #EO 639476.

55. The Dynamic PID Chart for the 2006 Chevrolet Silverado C2500 Heavy Duty shows that between time stamp 342 and 17259, the engine RPM is steady at around 545 RPM. During this time, the data shows that the throttle is fluctuating between 8.6% and 11% opening, the MAF is fluctuating between 5.36gps and 6.88gps, and the MAP is fluctuating between 35kPa and 46kPa. After time stamp 17259, the data shows the engine RPM is increased and stays elevated at no less than 1406 RPM. During this time, the data shows that the throttle is fluctuating between 7.1% and 11% opening, the MAF is fluctuating between 5.34gps and 6.1gps, and the MAP is fluctuating between 36kPa and 46kPa.

56. The steady idle and elevated engine RPM data along with the improbable throttle positions, MAF readings and fluctuating MAP readings are not characteristic or expected for normal engine operation. The throttle positions, MAF and MAP readings are expected to be stable during the steady idle, not fluctuating erratically. Subsequently, the throttle position and MAF readings are expected to rise during the elevated engine RPM. During the improbable readings, the throttle and MAF had lower data points during the elevated engine RPM than data points at idle. The MAF data points during the elevated engine RPM never increased past the highest data point at idle. The discrepancies in the OIS test data prove the Data Acquisition

Device (DAD) was not connected as required to the 2006 Chevrolet Silverado C2500 Heavy Duty being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

Clean Plug #9

57. Barraza reviewed the OIS Test Data for Best Smog Station 2. The review shows that on May 2, 2024, a 2003 GMC Safari XT, VIN # 1GKDM19X83B513215, License # 5CTY750 was tested and smog certificate # TW586520C was issued under Jafar Naser Alsaleh's Smog Check Inspector License #EO 639476.

58. The Dynamic PID chart for the 2003 GMC Safari XT shows that between time stamp 423 and 17660, the engine RPM is steady at around 650 RPM. During this time, the data shows that the throttle is fluctuating between 0.4% and 5.5% opening, the MAF is fluctuating between 7.17gps and 7.55gps, and the MAP is varying between 32kPa and 44kPa. After time stamp 17660, the data shows the engine RPM is increased and stays elevated at no less than 1263 RPM. During the elevated engine RPM, the data shows the throttle is fluctuating between 0% and 4.7% opening, the MAF is varying between 6.43gps and 6.73gps, and the MAP is fluctuating between 34kPa and 46kPa.

59. The steady idle and elevated engine RPM data along with the improbable throttle positions, MAF readings and fluctuating MAP readings are not characteristic or expected for normal engine operation. The throttle positions, MAF and MAP readings are expected to be stable during the steady idle, not fluctuating. Subsequently, the throttle and MAF are expected to rise during the elevated engine RPM. During the improbable readings, the throttle and MAF had data points during the elevated engine RPM which were lower than data points at idle. The throttle and MAF data points during the elevated engine RPM never increased past the highest data point at idle.

60. The discrepancies in the OIS test data prove the Data Acquisition Device (DAD) was not connected as required to the 2003 GMC Safari XT being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

///

///

Clean Plug #10

61. Barraza reviewed the OIS Test Data for Best Smog Station 2. The review shows that on May 14, 2024, a 2001 Toyota Camry CE, VIN # JT2BF22K210340326, CA License # 4UBR040 was tested and smog certificate # TW993099C was issued under Jafar Naser Alsaleh's Smog Check Inspector License #EO 639476.

62. The Dynamic PID chart for the 2001 Toyota Camry CE shows that between time stamp 855 and 20545, the engine RPM is steady at around 650 RPM. During this time, the data shows that the throttle is varying between 16.1% and 18% opening and the MAF is varying between 3.61gps and 3.8gps. After time stamp 20545, the data shows the engine RPM is increased and stays elevated at no less than 1409 RPM. During the elevated engine RPM, the data shows that the throttle drops from 15.3% to 14.1% opening and the MAF drops from 4.58 to 3.26gps.

63. The steady idle and elevated engine RPM data along with the improbable throttle positions and MAF readings are not characteristic or expected for normal engine operation. The throttle positions and MAF readings are expected to be stable during the steady idle and subsequently raised during the elevated engine RPM. During the improbable readings, the throttle and MAF had data points during the elevated engine RPM which were lower than data points at idle. The throttle data points during the elevated engine RPM never increased past the highest data point at idle. The discrepancies in the OIS test data prove the Data Acquisition Device (DAD) was not connected as required to the 2001 Toyota Camry CE being certified, causing the issuance of a fraudulent Smog Check Certificate of Compliance.

FIRST CAUSE FOR DISCIPLINE

(Untrue or Misleading Statements - Respondent Best Smog Station)

64. Respondent Best Smog Station's registration is subject to disciplinary action pursuant to section 9884.7, subdivision (a)(1), in that Respondents made or authorized statements which they knew or in the exercise of reasonable care should have known to be untrue or misleading, as follows: Respondents certified that the vehicles set forth above in paragraphs 29-63, had passed inspection and were in compliance with applicable laws and regulations. In fact, Respondents

conducted the inspections on those vehicles using the clean plugging method in order to issue smog certificates of compliance, and did not test or inspect the vehicles as required by Health and Safety Code section 44012.

SECOND CAUSE FOR DISCIPLINE

(Fraud - Respondent Best Smog Station)

65. Respondent Best Smog Station's registration is subject to disciplinary action pursuant to section 9884.7, subdivision (a)(4), in that Respondent Best Smog Station 's employees committed acts which constitute fraud by issuing electronic certificates of compliance for the vehicles set forth above in paragraphs 29-63, without performing bona fide inspections of the emission control devices and systems on those vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

THIRD CAUSE FOR DISCIPLINE

(Failure to Comply with the Motor Vehicle Inspection Program –

Respondent Best Smog Station)

66. Respondent Best Smog Station 's smog station license is subject to disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (a), in conjunction with Health and Safety Code section 44072.10 subdivision (c), in that regarding the vehicles set forth above in paragraphs 29-63, Respondents failed to comply with the following sections of the Health and Safety Code:

(a) **Section 44012**: Respondent Best Smog Station's employees failed to ensure that the emission control tests were performed on the vehicles, in accordance with procedures prescribed by the department.

(b) **Section 44015**: Respondent Best Smog Station's employees issued electronic certificates of compliance for the vehicles, without ensuring that the vehicles were properly tested and inspected to determine if they were in compliance with Health and Safety Code section 44012.

///

///

FOURTH CAUSE FOR DISCIPLINE

(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program - Respondent Best Smog Station)

67. Respondent Best Smog Station's smog station license is subject to disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (c), in that regarding the vehicles set forth above in paragraphs 29-63, Respondents failed to comply with the following provisions of the California Code of Regulations, Title 16, as follows:

(a) **Section 3340.35, subdivision (c)**: Respondent Best Smog Station 's employees issued electronic certificates of compliance even though those vehicles had not been inspected in accordance with section 3340.42, Title 16, of the California Code of Regulations.

(b) **Section 3340.42**: Respondent Best Smog Station 's employees failed to conduct the required smog tests and inspections on those vehicles in accordance with the Bureau's specifications.

FIFTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud or Deceit - Respondent Best Smog Station)

68. Respondent Best Smog Station's smog station license is subject to disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health and Safety Code section 44072.10 subdivision (c), in that regarding the vehicles set forth above in paragraphs 29-63, Respondents employees committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing electronic certificates of compliance for those vehicles without performing bona fide inspections of the emission control devices and systems on the vehicles, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

SIXTH CAUSE FOR DISCIPLINE

(Violations of the Motor Vehicle Inspection Program – Respondent Alsaleh)

69. Respondent Alsaleh's smog check inspector license and smog check repair technician license are subject to discipline pursuant to Health and Safety Code section 44072.2, subdivision (a), in that regarding the vehicles set forth above in paragraphs 29-63, Respondent Alsaleh failed

to comply with section 44012 of the Health and Safety Code in a material respect, as follows: Respondent Alsaleh failed to perform the emission control tests on those vehicles in accordance with procedures prescribed by the department.

SEVENTH CAUSE FOR DISCIPLINE

(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program – Respondent Alsaleh)

70. Respondent Alsaleh's smog check inspector license and smog check repair technician license are subject to discipline pursuant to Health and Safety Code section 44072.2, subdivision (c), in that regarding the vehicles set forth above in paragraphs 29-63, Respondent Alsaleh failed to comply with provisions of the California Code of Regulations, title 16, as follows:

(a) **Section 3340.30, subdivision (a)**: Respondent Alsaleh failed to inspect and test those vehicles in accordance with Health and Safety Code section 44012.

(b) **Section 3340.41, subdivision (c)**: Respondent Alsaleh entered false information into the EIS.

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

EIGHTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud or Deceit - Respondent Alsaleh)

71. Respondent Alsaleh's smog check inspector license and smog check repair technician license are subject to discipline pursuant to Health and Safety Code section 44072.2, subdivision (d), in conjunction with Health and Safety Code section 44072.10 subdivision (c), in that regarding the vehicles set forth above in paragraphs 29-63, Respondent Alsaleh committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing electronic certificates of compliance for those vehicles without performing bona fide inspections of the emission control devices and systems on the vehicles., thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

///

///

OTHER MATTERS

72. Pursuant to Business & Professions Code section 9884.7, subdivision (c), the Director may suspend, revoke, or place on probation the registration for all places of business operated in this State by Respondent Best Smog Station upon a finding that Respondent Best Smog Station has, or is, engaged in a course of repeated and willful violations of the laws and regulations pertaining to an automotive repair dealer.

73. Pursuant to Health & Safety Code section 44072.8, if Smog Check, Test Only Station License Number TC 305522 issued to Respondent Best Smog Station is revoked or suspended following a hearing under this article, any additional license issued under Chapter 5, Part 5, Division 26 in the name of said licensee may be likewise revoked or suspended by the Director.

74. Pursuant to Health & Safety Code section 44072.8, if Smog Check Inspector License Number EO 639476, and/or Smog Check Repair Technician License Number EI 639476 issued to Respondent Alsaleh, is revoked or suspended following a hearing under this article, any additional license issued under Chapter 5, Part 5, Division 26 in the name of said licensee may be likewise revoked or suspended by the Director.

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 305522, issued to Mohammed Almaghazachi, dba Best Smog Station 2;

2. Revoking or suspending any other Automotive Repair Dealer Registration issued to Respondent Mohammed Almaghazachi;

3. Revoking or suspending Smog Check, Test-Only, Station License Number TC 305522, issued to Mohammed Almaghazachi, dba Best Smog Station 2;

4. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of Respondent Mohammed Almaghazachi;

5. Revoking or suspending Smog Check Inspector License Number EO 639476, issued to Jafar Naser Alsaleh;

6. Revoking or suspending Smog Check Repair Technician License Number EI 639476, issued to Jafar Naser Alsaleh;

7. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of Respondent Jafar Naser Alsaleh;

8. Ordering Mohammed Almaghazachi and Jafar Naser Alsaleh 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 if placed on probation, the costs of probation monitoring; and,

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

DATED: As of Digital Signature Date

Dorais, Patrick@DCA

Digitally signed by Dorais, Patrick@DCA
Date: 2025.06.25 14:02:25 -07'00'

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

SD2025801811
85155955.docx