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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. **79/17-2641**

13 **ABBIFF ENTERPRISE, INC.; ZAVEN**  
14 **MARKARIAN –**  
15 **PRESIDENT/SECRETARY/TREASURER,**  
16 **DBA QUICKY LUBE & TIRES #23**  
6218 Lankershim Blvd.  
North Hollywood, CA 91606  
17 Mailing Address: 501 W. Glenoaks Blvd. #656  
Glendale, CA 91606  
18 Automotive Repair Dealer Reg. No ARD  
276816  
19 Smog Check Station License No. TC 276816

OAH Case No.

**A C C U S A T I O N**

20 and

21 **ZAVEN MARKARIAN**  
501 W. Glenoaks Blvd. #656  
22 Glendale, CA 91202  
23 Mailing Address: 1425 Highland Ave.  
Glendale, CA 91202  
24 Smog Check Repair Technician License No. EI  
153999  
25 Smog Check Inspector License No. EO  
153999, formerly Advanced Emission  
26 Specialist License EA 153999

27 Respondent.  
28

1 Complainant alleges:

2 **PARTIES**

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

5 **Respondent Quicky Lube and Tires #23**

6 2. On or about June 4, 2014, the Bureau issued Automotive Repair Dealer Registration  
7 Number ("ARD") 276816 to ABBIFF Enterprise, Inc.; Zaven Markarian,  
8 President/Secretary/Treasurer, dba Quicky Lube & Tires #23 ("Respondent Quicky Lube"). The  
9 ARD was in full force and effect at all times relevant to the charges brought herein and expired on  
10 June 30, 2017.

11 3. On or about July 24, 2014, the Bureau issued Smog Check Station License Number RC  
12 276816 to Respondent Quicky Lube. The Smog Check Station License was in full force and effect at  
13 all times relevant to the charges brought herein and expired on June 30, 2017.

14 4. On or about November 10, 2014, the Bureau certified Respondent Quicky Lube as a  
15 STAR certified station. The certification was to remain active unless Respondent's ARD registration  
16 and/or Smog Check Station license is revoked, canceled, licenses become delinquent or certification  
17 is invalidated.

18 **Respondent Zaven Markarian**

19 5. In 2007, the Board issued Advanced Emission Specialist (EA) Technician License No.  
20 153999 to Respondent Zaven Markarian ("Respondent Markarian").<sup>1</sup> EA license number 153999  
21 was due to expire on January 31, 2014, however, was cancelled in November 19, 2013. The license  
22 was renewed pursuant to Respondent's election as Smog Check Inspector (EO) License 153999, and  
23 Smog Check Repair Technician (EI) License 153999, effective November 19, 2013. The EO and EI  
24 licenses will expire on January 31, 2018, unless renewed.

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27 <sup>1</sup> Respondent Quicky Lube and Respondent Markarian are collectively referred to as  
28 "Respondents" herein.

**JURISDICTION**

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

4       7.    Section **9884.7** of the Business and Professions Code<sup>2</sup> provides that the Director may  
5 revoke an ARD registration.

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

10       9.    Section **44002** of the Health and Safety Code provides, in pertinent part, that the Director  
11 has all the powers and authority granted under the Automotive Repair Act for enforcing the Motor  
12 Vehicle Inspection Program.

13       10.   Section **44012** of the Health and Safety Code requires that tests at smog check stations be  
14 performed in accordance with the procedures described by the department.

15       11.   Section **44059** of the Health and Safety Code states, in pertinent part:

16       “The willful making of any false statement or entry with regard to a material matter in any oath,  
17 affidavit, certificate of compliance or noncompliance, or application form which is required by this  
18 chapter or Chapter 20.3 (commencing with Section 9880) of Division 3 of the Business and  
19 Professions Code, constitutes perjury and is punishable as provided in the Penal Code.”

20       12.   Section **44072.6** of the Health and Safety Code provides, in pertinent part, that the  
21 expiration or suspension of a license by operation of law, or by order or decision of the Director of  
22 Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive the  
23 Director of jurisdiction to proceed with any investigation of, or action or disciplinary proceedings  
24 against the licensee, or to render a decision suspending or revoking the license.

25       13.   Section **44072.8** of the Health and Safety Code states:

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27       \_\_\_\_\_  
28       <sup>2</sup> All statutory references herein shall be to the Business and Professions Code unless specifically  
stated otherwise.

1 "When a license has been revoked or suspended following a hearing under this article, any  
2 additional license issued under this chapter in the name of the licensee may be likewise revoked or  
3 suspended by the director."

#### 4 STATUTORY PROVISIONS

5 14. Section 477 of the Code provides, in pertinent part, that "Board" includes "bureau,"  
6 "commission," "committee," "department," "division," "examining committee," "program," and  
7 "agency." "License" includes certificate, registration or other means to engage in a business or  
8 profession regulated by the Code.

9 15. Section 9884.7 of the Code states:

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

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

18 "(4) Any other conduct which constitutes fraud. . .

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

21 16. Section 44015 of the Health and Safety Code states in relevant part:

22 "(a) A licensed smog check station shall not issue a certificate of compliance, except as  
23 authorized by this chapter, to any vehicle that meets the following criteria:

24 ...

25 (2) A vehicle identified pursuant to subparagraph (K) of paragraph (3) of subdivision (b) of  
26 Section 44036.<sup>3</sup> A vehicle identified pursuant to subparagraph (K) of paragraph (3) of subdivision

27 <sup>3</sup> Subparagraph (K) of paragraph (3) of subdivision (b) of Section 44036 refers to vehicles  
28 having an excessive variance from computer data for that vehicle, mismatched information, or  
(continued...)

1 (b) of Section 44036 shall be directed to the department to determine whether an inadvertent error can  
2 explain the irregularity, or whether the vehicle otherwise meets smog check requirements, allowing  
3 the certificate for compliance to be issued, or the vehicle shall be reinspected by a referee or another  
4 smog check station.”

5 17. Section **44072.2** of the Health and Safety Code states:

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

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

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

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

14 “(h) Violates or attempts to violate the provisions of this chapter relating to the particular  
15 activity for which he or she is licensed.”

16 **REGULATORY PROVISIONS**

17 18. California Code of Regulations, title 16, section **3340.24**, subdivision (c), states:

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

21 19. California Code of Regulations, title 16, section **3340.30**, states:

22 “A smog check technician shall comply with the following requirements at all times while  
23 licensed. “(a) A licensed technician shall inspect, test and repair vehicles in accordance with section  
24 44012 of the Health and Safety Code, section 44035 of the Health and Safety Code, and section  
25 3340.42 of this article. . . .”

26 20. California Code of Regulations, title 16, section **3340.35**, states, in pertinent part:

27 (...continued)  
28 other irregularities – in other words, vehicles that have been tested via “clean plugging”.

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“... ”

“(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. . .”

21. California Code of Regulations, title 16, section **3340.41 (c)**, states:

“No person shall enter into the emissions inspections system any vehicle identification information or emissions control system identification date 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.

22. 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**

23. 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**

24. Beginning March 9, 2015, California’s Smog Check Program was updated to require the use of an On-Board Diagnostic Inspection System (“OIS”) during smog checks. 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. The California OIS software will retrieve all OBD data that the vehicle indicates it supports. The DAD connects the OIS computer to the vehicle’s Data Link

1 Connector ("DLC"). The California OIS software requires a continuous Internet connection when  
2 performing a Smog Check inspection and the OIS software communicates with BAR's central  
3 database through the Internet connection. The bar code scanner is used to input inspector  
4 information, the vehicles identification number ("VIN"), and DMV renewal information. The printer  
5 provides a Vehicle Inspection Report ("VIR") containing inspection results for motorists and a Smog  
6 Check Certificate of Compliance number for passing vehicles.

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

12 26. If the vehicle passes the visual, functional and tailpipe tests, it passes the overall  
13 inspection and a Certificate of Compliance is issued and transmitted electronically to the Vehicle  
14 Information Database ("VID"). These Certificates of Compliance are purchased in blocks of fifty  
15 (50) through the EIS or OIS from the VID, using a pre-arranged electronic bank account debit system  
16 or by check, via mail, from Bureau Headquarters in Sacramento. Each Certificate of Compliance has  
17 a unique control number so that it can be tracked to determine which Smog Check Station purchased  
18 the Certificate of Compliance and to which vehicle it was issued.

19 27. The VID contains registration data from Department of Motor Vehicles ("DMV") plus  
20 emission standards, vehicle smog check inspections, smog check stations and inspectors, and  
21 Certificates of Compliance. The VID receives the passing smog check results immediately following  
22 the inspection. During the vehicle registration process, the DMV accesses the VID to verify that the  
23 vehicle has been tested and certified. The Bureau can also access the VID to view test data on smog  
24 check inspections performed at any Smog Check Station, or search for, retrieve, and print a test  
25 record for a particular vehicle which has been tested. The EIS or OIS, depending on the test type, also  
26 prints a Vehicle Inspection Report ("VIR"), which is a physical record of the test results and shows  
27 the Certificate of Compliance number that was issued if the vehicle passed the smog inspection.

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

9           29. Respondents have engaged in numerous acts or omissions constituting violations of the  
10 Automotive Repair Act (Business and Professions Code section 9880 *et seq.*) and Motor Vehicle  
11 Inspection Program (Health and Safety Code section 44000 *et seq.*) through their practice of "clean  
12 plugging."<sup>4</sup> Respondents' OIS Test Data available on the State database indicated that Respondents  
13 are involved in fraudulent smog inspection activities. A Bureau representative initiated an  
14 investigation based on information transmitted to the VID for smog check inspections performed by  
15 Respondents. The investigation revealed that the data related to certain vehicles certified by  
16 Respondents contained a pattern of unmistakable discrepancies between the information transmitted  
17 during the inspections and documented information known about the vehicles at issue. Specifically,  
18 the representative compared the data received from the certified vehicles to data from vehicles of the  
19 same year, make, and model and determined that the data from the ten (10) of the certified vehicles  
20 contained three unmistakable discrepancies: (1) all ten of the vehicles omitted the eVIN in their  
21 reporting; (2) all of the vehicles have the same reported erroneous communication protocols<sup>5</sup>; and (3)  
22 all of the ten vehicles reported an erroneous PID count. These documented discrepancies confirm that  
23 the vehicles receiving smog certificates from Respondents were fraudulently tested during the smog

24 \_\_\_\_\_  
25 <sup>4</sup> "Clean plugging" refers to the use of another vehicle's properly functioning On Board  
26 Diagnostic, generation II, (OBD II) system, or another source, to generate passing diagnostic  
27 readings for the purpose of issuing fraudulent smog Certificates of Compliance to vehicles that  
28 are not in smog compliance and/or not present for testing.

<sup>5</sup> The vehicle communication protocols are the language used to communicate to the vehicle's  
computer. In the United States, there are five protocols: (1) I9140808; (2) JVPW/JPWM (3)  
KWPS/KWPF; (4) ICAN11bt5; and (5) ICAN29bt5



1 inspection using the "clean plugging" method. The following chart ("Table 1") illustrates the  
 2 documented clean plugging activities of Respondents between October 4, 2016 and October 19, 2016.

3 All vehicle smog tests were performed by Respondent Markarian

4  
 5 Table 1

No.	Test Date	Vehicle Year, Make, and Model	VIN #	eVIN	Expected Protocol/ Reported Protocol	Expected PID/ Reported PID
1	10/4/16	2010 Mercedes Benz E550	WPDHF7CB1AA 201138	Missing eVIN	ICAN11bt5 I914	47 12 6
2	10/6/16	2003 Kia Optima LX/SE	KNAGD1286352 51850	Missing eVIN	KWPF I914	21 or 21 1 3
3	10/6/16	2004 Mercedes Benz CLK500	WDBTJ75J94F09 3011	Missing eVIN	KWPF I914	24 3
4	10/6/16	2000 Chevrolet S10	1GCCT19W3Y81 64230	Missing eVIN	JVPW I914	21 or 22 19
5	10/6/16	2005 Toyota Tundra	7W52756	Missing eVIN	ICAN11bt5 I914	45 19
6	10/13/16	2007 Mercedes Benz S550	WDDNG71X27A 033386	Missing eVIN	ICAN11bt5 I914	44 or 46 3
7	10/14/16	2005 Lincoln Town Car Signature	1LNHM81W25Y 642183	Missing eVIN	ICAN11bt5 I914	47 16
8	10/18/16	2001 Ford Expedition Eddie Bauer	1FMRU17W31L A3770	Missing eVIN	JPWM I914	20 16

9	10/19/16	2007 Mercedes-Benz C230	WDBRF52H97A 920086	Missing eVIN	ICAN11bt5 1914	44 3
10	10/19/16	2007 Mercedes-Benz C230	6ZDN396	Missing eVIN	ICAN11bt5 1914	44 16/5

30. This data of Respondents' smog check activities between October 4, 2016 and October 19, 2016, shows that Respondents participated in a scheme to perform at least ten (10) fraudulent Smog Check inspections resulting in the issuance of ten (10) fraudulent electronic Smog Check Certificates of Compliance. Each of the tests outlined above involves a smog check where the communication protocol and PID score reported by Respondents does not match the BAR-OIS data for vehicles of the same year, make, and model. The discrepancies in the OIS data indicates that the DAD utilized by Respondents in each smog test was not actually connected to the vehicle it purported to test, resulting in the issuance of a fraudulent smog certificate of compliance.

**FIRST CAUSE FOR DISCIPLINE**

**(Untrue or Misleading Statements - Respondent Quicky Lube)**

31. The registration of Respondent Quicky Lube is subject to disciplinary action pursuant to section 9884.7, subdivision (a)(1), in that between October 4, 2016 and October 19, 2016, Respondent Quicky Lube made or authorized statements which it 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 Table 1, 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. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 24 through 30, inclusive, as though set forth fully herein.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Fraud - Respondent Quicky Lube)**

3 32. The registration of Respondent Quicky Lube is subject to disciplinary action pursuant to  
4 section 9884.7, subdivision (a)(4), in that between October 4, 2016 and October 19, 2016,  
5 Respondents committed acts which constitute fraud by issuing electronic certificates of compliance  
6 for the vehicles set forth above in Table 1, without performing bona fide inspections of the emission  
7 control devices and systems on those vehicles, thereby depriving the People of the State of California  
8 of the protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by  
9 this reference incorporates, the allegations set forth above in paragraphs 24 through 30, inclusive, as  
10 though set forth fully herein.

11 **THIRD CAUSE FOR DISCIPLINE**

12 **(Failure to Comply with the Motor Vehicle Inspection Program - Respondent Quicky Lube)**

13 33. Respondent Quicky Lube's station license is subject to disciplinary action pursuant to  
14 Health and Safety Code section 44072.2, subdivision (a), in that between October 4, 2016 and  
15 October 19, 2016, regarding the vehicles set forth above in Table 1, Respondents failed to comply  
16 with the following sections of the Health and Safety Code:

17 (a) Section 44012: Respondents failed to ensure that the emission control tests were  
18 performed on the vehicles in accordance with procedures prescribed by the department.

19 (b) Section 44015: Respondents issued electronic certificates of compliance for the  
20 vehicles, without ensuring that the vehicles were properly tested and inspected to determine if they  
21 were in compliance with Health and Safety Code section 44012.

22 Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs  
23 24 through 30, inclusive, as though set forth fully herein.

24 **FOURTH CAUSE FOR DISCIPLINE**

25 **(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program -**  
26 **Respondent Quicky Lube)**

27 34. Respondent Quicky Lube's station license is subject to disciplinary action pursuant to  
28 Health and Safety Code section 44072.2, subdivision (c), in that between October 4, 2016 and

1 October 19, 2016, regarding the vehicles set forth above in Table 1, Respondents failed to comply  
2 with the following provisions of the California Code of Regulations, title 16, as follows:

3 (a) Section 3340.35, subdivision (c): Respondents issued electronic certificates of  
4 compliance even though those vehicles had not been inspected in accordance with section 3340.42,  
5 title 16, of the California Code of Regulations.

6 (b) Section 3340.42: Respondents failed to conduct the required smog tests and  
7 inspections on those vehicles in accordance with the Bureau's specifications.

8 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
9 paragraphs 24 through 30, inclusive, as though set forth fully herein.

10 **FIFTH CAUSE FOR DISCIPLINE**

11 **(Dishonesty, Fraud or Deceit - Respondent Quicky Lube)**

12 35. Respondent Quicky Lube station license is subject to disciplinary action pursuant to  
13 Health and Safety Code section 44072.2, subdivisions (d) and (h), for violating Health and Safety  
14 Code section 44059 in that from October 4, 2016 and October 19, 2016, regarding the vehicles set  
15 forth above in Table 1, Respondents committed acts involving dishonesty, fraud or deceit whereby  
16 another was injured by issuing electronic certificates of compliance for those vehicles without  
17 performing bona fide inspections of the emission control devices and systems on the vehicles, thereby  
18 depriving the People of the State of California of the protection afforded by the Motor Vehicle  
19 Inspection Program. Complainant refers to, and by this reference incorporates, the allegations set  
20 forth above in paragraphs 24 through 30, inclusive, as though set forth fully herein.

21 **SIXTH CAUSE FOR DISCIPLINE**

22 **(Violations of the Motor Vehicle Inspection Program – Respondent Markarian)**

23 36. Respondent Markarian's inspector license is subject to discipline pursuant to Health and  
24 Safety Code section 44072.2, subdivision (a), in that between October 4, 2016 and October 19, 2016,  
25 regarding the vehicles set forth above in Table 1, Respondent Markarian failed to comply with section  
26 44012 of the Health and Safety Code in a material respect, as follows: Respondent Markarian failed  
27 to perform the emission control tests on those vehicles in accordance with procedures prescribed by  
28

1 the department. Complainant refers to, and by this reference incorporates, the allegations set forth  
2 above in paragraphs 24 through 30, inclusive, as though set forth fully herein.

3 **SEVENTH CAUSE FOR DISCIPLINE**

4 **(Failure to Comply with Regulations Pursuant to the Motor Vehicle Inspection Program –**  
5 **Respondent Markarian)**

6 37. Respondent Markarian's inspector license is subject to discipline pursuant to Health and  
7 Safety Code section 44072.2, subdivision (c), in that between October 4, 2016 and October 19, 2016,  
8 regarding the vehicles set forth above in Table 1, he failed to comply with provisions of the California  
9 Code of Regulations, title 16, as follows:

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

12 (b) Section 3340.42: Respondent Markarian failed to conduct the required smog tests  
13 and inspections on those vehicles in accordance with the Bureau's specifications.

14 Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs  
15 24 through 30, inclusive, as though set forth fully herein.

16 **EIGHTH CAUSE FOR DISCIPLINE**

17 **(Dishonesty, Fraud or Deceit - Respondent Markarian)**

18 38. Respondent Markarian's inspector license is subject to discipline pursuant to Health and  
19 Safety Code section 44072.2, subdivision (d), in that between October 4, 2016 and October 19, 2016,  
20 regarding the vehicles set forth above in Table 1, Respondent Markarian committed acts involving  
21 dishonesty, fraud or deceit whereby another was injured by issuing electronic certificates of  
22 compliance for those vehicles without performing bona fide inspections of the emission control  
23 devices and systems on the vehicles, thereby depriving the People of the State of California of the  
24 protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by this  
25 reference incorporates, the allegations set forth above in paragraphs 24 through 30, inclusive, as  
26 though set forth fully herein.

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**OTHER MATTERS**

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2           39. Pursuant to Business & Professions Code section 9884.7, subdivision (c), the Director  
3 may suspend, revoke, or place on probation the registration for all places of business operated in this  
4 state by Zaven Markarian, President/Secretary/Treasurer of Quicky Lube, upon a finding that  
5 Respondent Quicky Lube has, or is, engaged in a course of repeated and willful violations of the laws  
6 and regulations pertaining to an automotive repair dealer.

7           40. Pursuant to Health & Safety Code section 44072.8, if Smog Check Test Only Station  
8 License Number RC 276816 issued to Respondent Quicky Lube is revoked or suspended, any  
9 additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in  
10 the name of said licensee may be likewise revoked or suspended by the Director.

11           41. Pursuant to Health & Safety Code section 44072.8, if Smog Check Inspector License  
12 Number EO 153999 and Smog Check Repair Technician License Number EI 153999 issued to Zaven  
13 Markarian is revoked or suspended, any additional license issued under Chapter 5 of Part 5 of  
14 Division 26 of the Health and Safety Code in the name of said licensee may be likewise revoked or  
15 suspended by the Director.

PRAYER

16  
17           WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
18 and that following the hearing, the Director of Consumer Affairs issue a decision:

- 19           1. Revoking or suspending Automotive Repair Dealer Registration Number ARD  
20 276816, issued to ABBIFF Enterprise, Inc.; Zaven Markarian, dba Quicky Lube & Tires #23;
- 21           2. Revoking or suspending Smog Check Station License Number RC 276816, issued to  
22 ABBIFF Enterprise, Inc.; Zaven Markarian, dba Quicky Lube & Tires #23;
- 23           3. Revoking or suspending any other automotive repair dealer registration issued to Zaven  
24 Markarian;
- 25           4. Revoking or suspending Smog Check Inspector License and Smog Check Repair  
26 Technician License Number EO 153999, issued to Zaven Markarian;
- 27           5. Revoking or suspending Smog Check Repair Technician (EI) License Number 153999,  
28 issued to Zaven Markarian;

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6. 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 Zaven Markarian;

7. Ordering Zaven Markarian 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,

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

DATED: October 2, 2017



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

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