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

11 In the Matter of the Accusation and Petition to Revoke
12 Probation Against:

Case Number: 79/21-13696

13 **CHEVREM CORPORATION**
14 **Db a Clear Blue Test Only Smog Station**
15 **Fatih Tekin, President**
16 **2850 Crow Canyon Road**
17 **San Ramon, CA 94583**

**ACCUSATION AND
PETITION TO REVOKE
PROBATION**

18 **Automotive Repair Dealer No. ARD 241700**
19 **Smog Check Station License No. TC 241700**

20 **Shahzad Mark**
21 **5 The Trees Drive**
22 **Concord, CA 94518**

23 **Smog Check Inspector (EO) License No. EO 136985**

24 Respondent.

25 Complainant alleges:

26 **PARTIES**

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

1. On or about January 1, 2005, the Bureau issued Automotive Repair Dealer
Registration No. ARD 241700 to Chevrem Corporation (Respondent Chevrem) dba Clear Blue
Test Only Smog Station. Fatih Tekin is president of Respondent Chevrem. The Automotive
Repair Dealer Registration will expire on September 30, 2022, unless renewed.

1 3. On or about February 16, 2016, the Bureau issued Smog Check, Test Only, Station
2 License No. TC 241700 to Respondent Chevrem. The Smog Check, Test Only, Station License
3 will expire on September 30, 2022, unless renewed.

4 4. In 2003, the Director issued Advanced Emission Specialist Technician License
5 Number EA 136985 to Shahzad Mark (Respondent Mark). Respondent's advanced emission
6 specialist technician license expired and was cancelled on January 31, 2013. Pursuant to
7 California Code of Regulations, title 16, section 3340.28, subdivision (e), the license was
8 renewed, pursuant to Respondent Mark's election, as Smog Check Inspector License EO
9 136985.¹ Respondent's Smog Check Inspector License will expire on January 31, 2023, unless
10 renewed.

11 5. In disciplinary actions titled "In the Matter of the Accusations Against Chevrem
12 Corporation, et al., Case Nos. 79/17-1195, 79/17-1998, 79/17-1999, 79/17-1202, 79/17-1224,
13 79/17-1226, and 79/17-1229, the Department of Consumer Affairs issued an Order effective April
14 21, 2021, in which Respondent Chevrem's Automotive Repair Dealership Registrations and Smog
15 Check Station Licenses were revoked. However, the revocations were stayed and Respondent
16 Chevrem's Automotive Repair Dealership Registrations and Smog Check Station Licenses were
17 placed on probation for five (5) years with certain terms and conditions. A copy of that Decision
18 and Order is attached as Exhibit A and is incorporated by reference.

19 6. In a disciplinary action titled "In the Matter of the Accusation Against Chevrem
20 Corporation, et al., Case No. 79/17-1202, the Department of Consumer Affairs issued an Order
21 effective May 25, 2021, in which Respondent Mark's Smog Check Inspector License was
22 revoked. However, the revocation was stayed and Respondent Mark's Smog Check Inspector
23 License were placed on probation for one (1) year with certain terms and conditions. A copy of
24 that Decision and Order is attached as Exhibit B and is incorporated by reference.

25
26 _____
27 ¹ Effective August 1, 2012, California Code of Regulations, title 16, section 3340.28,
28 3340.29 and 3340.30 were amended to implement a license restructure from the Advanced
Emission Specialist Technician (EA) license and Basic Area (EB) Technician license to Smog
Check Inspector (EO) license and and/or Smog Check Repair Technician (EI) license.

1 **JURISDICTION FOR ACCUSATION**

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

4 **STATUTORY AND REGULATORY PROVISIONS FOR ACCUSATION**

5 8. Section 9884.7 of the Business and Professions Code (“Code”) states, in pertinent
6 part:

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

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

15 . . .

16 (3) Failing or refusing to give to a customer a copy of any document requiring the
17 customer's signature as soon as the customer signs the document.

18 . . .

19 (4) Any other conduct that constitutes fraud.

20 . . .

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

23 . . .

24 (c) Notwithstanding subdivision (b), the director may suspend, revoke, or place on
25 probation the registration for all places of business operated in this state by an automotive repair
26 dealer upon a finding that the automotive repair dealer has, or is, engaged in a course of repeated
27 and willful violations of this chapter, or regulations adopted pursuant to it.

28 . . .

1 (e) For purposes of this section, “fraud” includes, but is not limited to, violations of this
2 chapter involving misrepresentations and all of the following:

3 (1) Any act or omission that is included within the definition of either “actual fraud” or
4 “constructive fraud,” as those terms are defined in Sections 1572 and 1573 of the Civil Code.

5 (2) A misrepresentation in any manner, whether intentionally false or due to gross
6 negligence, of a material fact.

7 (3) A promise or representation not made honestly and in good faith.

8 (4) An intentional failure to disclose a material fact.

9 (5) Any act in violation of Section 484 of the Penal Code.

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

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

17 11. Section **44012** of the Health and Safety Code requires that tests at smog check
18 stations be performed in accordance with procedures prescribed by the department.

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

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

24 13. Section **44072.2** of the Health and Safety Code states, in pertinent part:

25 The director may suspend, revoke, or take other disciplinary action against a license as
26 provided in this article if the licensee, or any partner, officer, or director thereof, does any of the
27 following:
28

1 (a) Violates any section of this chapter and the regulations adopted pursuant to it, which
2 related to the licensed activities.

3 . . .

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

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

6 . . .

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

9 14. Section **44072.6** of the Health and Safety Code provides, in pertinent part, that the
10 expiration or suspension of a license by operation of law, or by order or decision of the Director
11 of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive
12 the Director of jurisdiction to proceed with disciplinary action.

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

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

17 16. Section **44072.10** of the Health and Safety Code states:

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

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

22 . . .

23 “(4) Intentional or willful violation of this chapter or any regulation, standard, or procedure
24 of the department implementing this chapter.”

25 17. California Code of Regulations, title 16, section **3340.24**, states:

26 “. . .(c) The bureau may suspend or revoke the license of or pursue other legal action
27 against a licensee, if the licensee falsely or fraudulently issues or obtains a certificate of
28 compliance or a certificate of noncompliance. . .”

1 18. California Code of Regulations, title 16, section **3340.30**, states, in pertinent part:

2 A licensed smog check inspector and/or repair technician shall comply with the following
3 requirements at all times while licensed:

4 (a) Inspect, test and repair vehicles, as applicable, in accordance with section 44012 of the
5 Health and Safety Code, section 44035 of the Health and Safety Code, and section 3340.42 of this
6 article.

7 . . .

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

9 “No person shall enter into the BAR-97 Emissions Inspection System or the OBD
10 Inspection System any vehicle identification information or emission control system
11 identification data for any vehicle other than the one being tested. Nor shall any person
12 knowingly enter into the BAR-97 Emissions Inspection System or the OBD Inspection System
13 any false information about the vehicle being tested.”

14 20. California Code of Regulations, title 16, section **3340.42**, states:

15 “Smog check inspection methods are prescribed in the Smog Check Manual, referenced by
16 section 3340.45.

17 “(a) All vehicles subject to a smog check inspection, shall receive one of the following test
18 methods:

19 . . .

20 “(3) An OBD-focused test, shall be the test method used to inspect gasoline-powered
21 vehicles 2000 model-year and newer, and diesel-powered vehicles 1998 model-year and newer.
22 The OBD test failure criteria are specified in section 3340.42.2.”

23 21. California Code of Regulations, title 16, section **3340.45**, states:

24 “(a) All Smog Check inspections shall be performed in accordance with requirements and
25 procedures prescribed in the following:

26 (1) Smog Check Manual, dated 2013, which is hereby incorporated by reference. This
27 manual became effective on or after January 1, 2013. This manual shall remain in effect until
28 subparagraph (2) is implemented.

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(False or misleading Statements- Registration)**

3 26. Respondent Chevrem has subjected its Registration to disciplinary action under
4 section 9884.7, subdivision(a)(1), in that Respondents made false or misleading statements that
5 they knew or should have known were false or misleading as follows:

6 a. Respondent Chevrem transmitted information to the Vehicle Information Database
7 stating the Dodge passed the Fuel Evaporative System (EVAP) visual inspection.

8 b. Respondent Chevrem created a VIR stating the Dodge passed the Fuel Evaporative
9 System (EVAP) visual inspection.

10 c. The VIR stated that smog inspection was performed in accordance with all bureau
11 requirements.

12 **SECOND CAUSE FOR DISCIPLINE**

13 **(Failure to Provide Copy of Signed Documents)**

14 27. Respondent Chevrem has subjected its Registration to disciplinary action under
15 section 9884.7, subdivision (a)(3), in that it failed to provide the operator with a copy of the
16 signed work order. The circumstances are further described in the Factual Background section,
17 above.

18 **THIRD CAUSE FOR DISCIPLINE**

19 **(Violation of Laws and Regulations-Registration)**

20 28. Respondent Chevrem has subjected its Registration to disciplinary action under
21 section 9884.7, subdivision (a)(6), in that Respondent violated the following laws and regulations:

22 a. Respondent violated Code section 9884.9(a) by failing to provide the operator with a
23 written estimate prior to performing the smog inspection.

24 b. Respondent violated California Code of Regulations, Title 16, section 3340.24,
25 subdivision (c), in that Respondent falsely issued a certificate of compliance to the Dodge.

26 c. Respondent violated California Code of Regulations, Title 16, section 3340.35,
27 subdivision (c), in that Respondent issued a certificate of compliance to a vehicle that did not
28 have all the required emission control equipment and devices installed and functioning correctly.

1 d. Respondent violated California Code of Regulations, Title 16, section 3340.42,
2 subdivision (b) in that Respondent failed to provide a proper visual inspection of the Dodge.

3 e. Respondent violated California Code of Regulations, Title 16, section 3340.42, in
4 conjunction with California Code of Regulations, Title 16, section 3340.45, subdivision (b), in
5 that Respondent failed to provide a proper visual inspection on the Dodge as prescribed in the
6 Smog Check Manual.

7 f. Respondent violated California Code of Regulations, Title 16, section 3371, in that
8 Respondent made untrue or misleading statements as described in paragraphs 21-24, above.

9 g. Respondent violated California Code of Regulations, Title 16, section 3373, in that
10 Respondent made untrue or misleading statements on a Vehicle Inspection Report. The Vehicle
11 Inspection Report stated that the vehicle passed the Fuel Evaporative System visual inspection.

12 **FOURTH CAUSE FOR DISCIPLINE**

13 **(Dishonesty or Deceit)**

14 29. Respondent Chevrem has subjected its Smog Station license to disciplinary action
15 under Health and Safety Code section 44072.2, subdivision (d), in that Respondent committed
16 acts involving dishonesty or deceit whereby another was injured. The circumstances are
17 described in paragraphs 21-24, above.

18 **FIFTH CAUSE FOR DISCIPLINE**

19 **(Violation of Laws and Regulations)**

20 30. Respondent Cheverm has subjected its Smog Station license to disciplinary action
21 under Health and Safety Code section 44072.2, subdivision(s) (a), (c) and/or (g), in that
22 Respondent violated the following laws and regulations:

23 a. Respondent violated Health and Safety code section 44012, subdivision (f), in that
24 Respondent failed to perform a smog check on the Dodge according to the procedures prescribed
25 by the department. Respondent failed to perform a proper visual inspection.

26 b. Respondent violated Health and Safety code section 44015, subdivision (a)(1), in that
27 Respondent issued a certificate of compliance to a vehicle that had been tampered with.

28

1 c. Respondent violated California Code of Regulations, Title 16, section 3340.24,
2 subdivision (c), in that Respondent falsely issued a certificate of compliance to the Dodge.

3 d. Respondent violated California Code of Regulations, Title 16, section 3340.35,
4 subdivision (c), in that Respondent issued a certificate of compliance to a vehicle that did not
5 have all the required emission control equipment and devices installed and functioning correctly.

6 e. Respondent violated California Code of Regulations, Title 16, section 3340.42,
7 subdivision (b) in that Respondent failed to perform a proper visual inspection of the Honda.

8 f. Respondent violated California Code of Regulations, Title 16, section 3340.42 in
9 conjunction with California Code of Regulations, Title 16, section 3340.45, subdivision (b), in
10 that Respondent failed to perform a proper visual inspection on the Honda as prescribed in the
11 Smog Check Manual.

12 **SIXTH CAUSE FOR DISCIPLINE**

13 **(Dishonesty or Deceit)**

14 31. Respondent Mark has subjected his Smog Inspector license to disciplinary action
15 under Health and Safety Code section 44072.2, subdivision (d), in that Respondent committed
16 acts involving dishonesty or deceit whereby another was injured. The circumstances are
17 described in paragraphs 21-24, above.

18 **SEVENTH CAUSE FOR DISCIPLINE**

19 **(Violation of Laws and Regulations)**

20 32. Respondent Mark has subjected his Smog Inspector license to disciplinary action
21 under Health and Safety Code section 44072.2, subdivision(s) (a), (c) and/or (g), in that
22 Respondent violated the following laws and regulations:

23 a. Respondent violated Health and Safety code section 44012, subdivision (f), in that
24 Respondent failed to perform a smog check on the Dodge according to the procedures prescribed
25 by the department. Respondent failed to perform a proper visual inspection.

26 b. Respondent violated Health and Safety code section 44015, subdivision (a)(1), in that
27 Respondent issued a certificate of compliance to a vehicle that had been tampered with.
28

1 c. Respondent violated California Code of Regulations, Title 16, section 3340.24,
2 subdivision (c), in that Respondent falsely issued a certificate of compliance to the Dodge.

3 d. Respondent violated California Code of Regulations, Title 16, section 3340.35,
4 subdivision (c), in that Respondent issued a certificate of compliance to a vehicle that did not
5 have all the required emission control equipment and devices installed and functioning correctly.

6 e. Respondent violated California Code of Regulations, Title 16, section 3340.42,
7 subdivision (b) in that Respondent failed to perform a proper visual inspection of the Honda.

8 f. Respondent violated California Code of Regulations, Title 16, section 3340.42 in
9 conjunction with California Code of Regulations, Title 16, section 3340.45, subdivision (b), in
10 that Respondent failed to perform a proper visual inspection on the Honda as prescribed in the
11 Smog Check Manual.

12 **JURISDICTION FOR PETITION TO REVOKE PROBATION**

13 33. This Petition to Revoke Probation against Respondent Chevrem is brought before the
14 Director of the Department of Consumer Affairs (Director) for the Bureau of Automotive Repair
15 under Probation Term and Condition Number 9 of the Decision and Order In the Matter of the
16 Accusations Against Chevrem Corporation, et al., Case Nos. 79/17-1195, 79/17-1998, 79/17-
17 1999, 79/17-1202, 79/17-1224, 79/17-1226, and 79/17-1229. That term and condition states:

18 Violation of Probation. If Respondent violates or fails to comply with the terms and
19 conditions of probation in any respect, the Director, after giving notice and opportunity to be
20 heard may set aside the stay order and carry out the disciplinary order provided in the decision.
21 Once Respondent is served notice of BAR's intent to set aside the stay, the Director shall maintain
22 jurisdiction, and the period of probation shall be extended until final resolution of the matter.

23 34. This Petition to Revoke Probation Against Respondent Mark is brought before the
24 Director of the Department of Consumer Affairs (Director) for the Bureau of Automotive Repair
25 under Probation Term and Condition Number 6 of the Decision and Order In the Matter of the
26 Accusation and Against Chevrem Corporation, et al., Case No. 79/17-1202. That term and
27 condition states:
28

1 Violation of Probation. If Respondent violates or fails to comply with the terms and
2 conditions of probation in any respect, the Director, after giving notice and opportunity to be
3 heard may set aside the stay order and carry out the disciplinary order provided in the decision.
4 Once Respondent is served notice of BAR's intent to set aside the stay, the Director shall maintain
5 jurisdiction, and the period of probation shall be extended until final resolution of the matter.

6 **FIRST CAUSE TO REVOKE PROBATION**

7 (Obey All Laws- Chevrem)

8 35. At all times after the effective date of Respondent Chevrem's probation, Condition
9 One stated:

10 “Obey All Laws. During the period of probation, Respondent shall comply with all federal
11 and state statutes, regulations and rules governing all BAR registrations and licenses held by
12 Respondent”

13 36. Respondent Chevrem's probation is subject to revocation because it failed to comply
14 with Probation Condition One, referenced above. Respondent violated state statutes, regulations
15 and rules governing the BAR registrations and licenses held by Respondent Chevrem as described
16 in the Causes for Discipline, above.

17 **SECOND CAUSE TO REVOKE PROBATION**

18 (Obey All Laws- Mark)

19 37. At all times after the effective date of Respondent Mark's probation, Condition One
20 stated:

21 “Obey All Laws. During the period of probation, Respondent shall comply with all federal
22 and state statutes, regulations and rules governing all BAR registrations and licenses held by
23 Respondent”

24 38. Respondent Mark's probation is subject to revocation because he failed to comply
25 with Probation Condition One, referenced above. Respondent Mark violated state statutes,
26 regulations and rules governing the license held by Respondent Mark as described in the Causes
27 for Discipline, above.

28 ///

DISCIPLINE CONSIDERATIONS

1
2 39. To determine the degree of discipline, if any, to be imposed on Respondent Chevrem,
3 Complainant alleges that on or about June 27, 2003, in a prior action, an accusation was filed
4 against Gurnur International Corporation and its President, Fatih Tekin, d.b.a. GIC Smog Station
5 for causing the issuance of 13 fraudulent Smog Check Inspection Certificates of Compliance to
6 be issued. The business name for GIC Smog Station was changed to Walnut Creek Star Smog and
7 ownership of the facility is under Chevrem Corporation with Fatih Tekin as President. On
8 December 6, 2004, the Department of Consumer Affairs adopted a decision in the matter of
9 Accusation 79/04-00 which revoked GIC Smog Station’s Smog Check Station licenses and
10 Automotive Repair Dealer registrations. However, the revocations were stayed and the stations
11 were placed on three years’ probation.

12 40. To determine the degree of discipline, if any, to be imposed on Respondent Chevrem,
13 Complainant alleges that on or about September 21, 2005, in a prior action, Chevrem Corporation
14 and its President, Fatih Tekin, d.b.a. Clear Blue Test Only Smog Station applied for an
15 Automotive Repair Dealer Registration and a Smog Check Station License. The parties stipulated
16 that Accusation 79/04-00 was deemed to constitute a Statement of Issues for the purpose of the
17 denial of Respondent’s application. The parties entered into a stipulation and agreement which
18 was adopted as a decision and order only to the Statement of Issues against Fatih Tekin. On
19 January 30, 2006, the Director of the Department of Consumer Affairs adopted a decision and
20 order issuing an Automotive Repair Dealer Registration and a Smog Check Station License to
21 Respondent and immediately revoking the licenses, with the revocations stayed, following the
22 terms and conditions of probation as set forth in Accusation 79/04-00.

23 41. To determine the degree of discipline, if any, to be imposed on Respondent Chevrem,
24 Complainant alleges that on or about September 15, 2008, in a prior action, an accusation was
25 filed on Chevrem Corporation and its President, Fatih Tekin, d.b.a. Clear Blue Test Only Smog
26 Station, Clear Blue Test Only Smog Station 2, Clear Blue Test Only Station 3, Test Only Smog
27 Station II, and GIC Smog Station for causing the issuance of 13 fraudulent Smog Check
28 Inspection Certificates of Compliance. On April 6, 2009, the Department of Consumer Affairs

1 adopted a decision in the matter of Accusation 79/09-21 which revoked all Smog Check Station
2 licenses and Automotive Repair Dealer registrations for each facility. However, the revocations
3 were stayed and the stations were placed on five years' probation. In addition, each station was
4 suspended anywhere from 5 to 45 days.

5 42. To determine the degree of discipline, if any, to be imposed on Respondent Chevrem,
6 Complainant alleges that on or about September 14, 2015, in a prior action, the Bureau issued
7 Citation Number C2015-2133 and ordered Respondent to pay a \$1,500.00 fine. The citation was
8 based on Respondent's issuance of a certificate of compliance to a vehicle using the BAR97
9 procedure when an OBD Inspection System was required. The citation was modified to an Order
10 of Abatement. That Citation is now final and is incorporated by reference as if fully set forth.

11 43. To determine the degree of discipline, if any, to be imposed on Respondent Mark,
12 Complainant alleges that on or about January 13, 2010, in a prior action, the Bureau issued
13 Citation Number M2010-0668 for violating Health and Safety Code section 44032 in that he
14 issued a certificate of compliance to a Bureau undercover vehicle with the ignition timing
15 adjusted beyond specifications. That Citation is now final and is incorporated by reference as if
16 fully set forth.

17 44. To determine the degree of discipline, if any, to be imposed on Respondent Mark,
18 Complainant alleges that on or about October 27, 2014, in a prior action, the Bureau issued
19 Citation Number M2014-1317 directing him to complete an 8-hour BAR certified training course
20 and ordered Respondent to pay a \$1,500.00 fine. Respondent Mark issued a certificate of
21 compliance to a Bureau undercover vehicle with a missing Pulsed Secondary Air Injection
22 (PAIR) System. That Citation is now final and is incorporated by reference as if fully set forth.

23 45. To determine the degree of discipline, if any, to be imposed on Respondent Chevrem,
24 Complainant alleges on or about April 22, 2021, a Program Representative conducted a Probation
25 Conference with Respondent Chevrem's station manager for Clear Blue Test Only Smog. During
26 the conference, Respondent Chevrem was advised the Bureau may send an undercover car to
27 confirm compliance with the Automotive Repair Act. Respondent Chevrem was warned that
28 failure to comply with the terms and conditions of probation, the Laws and Regulations contained

1 within the Automotive Repair Act, and other applicable laws and regulations may result in
2 disciplinary action.

3 46. To determine the degree of discipline, if any, to be imposed on Respondent Mark,
4 Complainant alleges on or about May 27, 2021, a Program Representative conducted a Probation
5 Conference with Respondent Mark. During the conference, Respondent Mark was advised the
6 Bureau may send an undercover car to confirm compliance with the Automotive Repair Act.
7 Respondent Mark was warned that failure to comply with the terms and conditions of probation,
8 the Laws and Regulations contained within the Automotive Repair Act, and other applicable laws
9 and regulations may result in disciplinary action.

10 **OTHER MATTERS**

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

16 48. Pursuant to Health & Safety Code section 44072.8, if Respondent Chevrem's Station
17 License is revoked or suspended, any additional license issued under Chapter 5 of Part 5 of
18 Division 26 of the Health and Safety Code in the name of said licensee may be likewise revoked
19 or suspended by the director.

20 49. Pursuant to Health & Safety Code section 44072.8, if Respondent Mark's Smog
21 Check Inspector license is revoked or suspended, any additional license issued under Chapter 5 of
22 Part 5 of Division 26 of the Health and Safety Code in the name of said licensee may be likewise
23 revoked or suspended by the director.

24 **PRAYER**

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

27 1. Revoking the probation that was granted by the Director in Case Nos. 79/17-1195,
28 79/17-1998, 79/17-1999, 79/17-1202, 79/17-1224, 79/17-1226, and 79/17-1229 and imposing the

1 disciplinary order that was stayed thereby revoking Automotive Repair Dealer No. ARD 241700
2 issued to Chevrem Corporation;

3 2. Revoking the probation that was granted by the Director in Case Nos. 79/17-1195,
4 79/17-1998, 79/17-1999, 79/17-1202, 79/17-1224, 79/17-1226, and 79/17-1229 and imposing the
5 disciplinary order that was stayed thereby revoking Smog Check Station License No. TC 241700
6 issued to Chevrem Corporation;

7 3. Revoking or suspending Automotive Repair Dealer No. ARD 241700 issued to
8 Chevrem Corporation;

9 4. Revoking or suspending Smog Check Station License No. TC 241700 issued to
10 Chevrem Corporation;

11 5. Revoking or suspending any additional Automotive Repair Dealer Registration
12 and/or Smog Check Station License issued to Chevrem Corporation;

13 6. Ordering Chevrem Corporation to pay the Bureau of Automotive Repair the
14 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
15 Professions Code section 125.3;

16 7. Revoking the probation that was granted by the Director in Case No. 79/17-1202 and
17 imposing the disciplinary order that was stayed thereby revoking Smog Check Inspector (EO)
18 License No. EO 136985 issued to Shahzad Mark;

19 8. Revoking or suspending Smog Check Inspector (EO) License No. EO 136985
20 issued to Shahzad Mark;

21 9. Revoking or suspending any additional Smog Check Station License, Smog Check
22 Inspector License, or Smog Check Repair Technician license, issued to Shahzad Mark;

23 10. Ordering Shahzad Mark to pay the Bureau of Automotive Repair the reasonable
24 costs of the investigation and enforcement of this case, pursuant to Business and Professions
25 Code section 125.3;

26 11. Taking such other and further action as deemed necessary and proper.

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DATED: As of Digital Signature Date

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