

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

In the Matter of the Statement of Issues  
Against:

**HAIK MOURADIAN**  
8424 Terhune Ave.  
Sun Valley, CA 91352  
Smog Check Inspector License

Respondent.

Case No. 79/16-05s


OAH No. 2015080410

**DECISION**

The attached Stipulated Settlement and Disciplinary Order is hereby accepted and adopted as the Decision of the Director of the Department of Consumer Affairs in the above-entitled matter.

This Decision shall become effective April 14, 2016.

DATED: March 14, 2016

  
\_\_\_\_\_  
TAMARA COLSON  
Assistant General Counsel  
Department of Consumer Affairs

1 KAMALA D. HARRIS  
Attorney General of California  
2 MARC D. GREENBAUM  
Supervising Deputy Attorney General  
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Deputy Attorney General  
4 State Bar No. 129533  
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5 Los Angeles, CA 90013  
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*Attorneys for Complainant*  
7

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

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11 In the Matter of the Statement of Issues  
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12 **HAIK MOURADIAN**  
13 **8424 Terhune Ave.**  
14 **Sun Valley, CA 91352**  
**Smog Check Inspector License**

15 Respondent.

Case No. 79/16-05S

OAH No. 2015080410

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

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18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
entitled proceedings that the following matters are true:

19 PARTIES

20  
21 1. Patrick Dorais ("Complainant") is the Chief of the Bureau of Automotive Repair -  
22 I/M Smog. He brought this action solely in his official capacity and is represented in this matter  
23 by Kamala D. Harris, Attorney General of the State of California, by Michael A. Cacciotti,  
24 Deputy Attorney General.

25 2. Respondent Haik Mouradian ("Respondent") is representing himself in this  
26 proceeding and has chosen not to exercise his right to be represented by counsel.

27 3. On or about June 9, 2014, Respondent filed an application dated June 3, 2014, with  
28 the Bureau of Automotive Repair – I/M Smog to obtain a Smog Check Inspector License.



1 communicate directly with the Director and staff of the Department of Consumer Affairs  
2 regarding this stipulation without notice to or participation Respondent or his counsel. By  
3 signing the stipulation, Respondent understands and agrees that he may not withdraw his  
4 agreement or seek to rescind the stipulation prior to the time the Director considers and acts upon  
5 it. If the Director fails to adopt this stipulation as the Decision and Order the Stipulated  
6 Settlement and Disciplinary Order shall be of no force and effect, except for this paragraph it  
7 shall be inadmissible in any legal action between the parties and the Director shall not be  
8 disqualified from further action by having considered this matter.

9 11. The parties understand and agree that Portable Document Format (PDF) and facsimile  
10 copies of this Stipulated Settlement and Disciplinary Order, including Portable Document Format  
11 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

12 12. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an  
13 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
14 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
15 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
16 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
17 writing executed by an authorized representative of each of the parties.

18 13. In consideration of the foregoing admissions and stipulations, the parties agree that  
19 the Director may, without further notice or formal proceeding, issue and enter the following  
20 Disciplinary Order:

21 **DISCIPLINARY ORDER**

22 IT IS HEREBY ORDERED that Respondent's Smog Check Inspector License will be  
23 issued and immediately revoked. The revocation will be stayed and the Respondent placed on  
24 one (1) year probation on the following terms and conditions.

25 1. **Obey All Laws.** Comply with all statutes, regulations and rules governing  
26 automotive inspections, estimates and repairs.

27 2. **Reporting.** Respondent or Respondent's authorized representative must report in  
28 person or in writing as prescribed by the Bureau, on a schedule set by the Bureau, but no more

1 frequently than each quarter, on the methods used and success achieved in maintaining  
2 compliance with the terms and conditions of probation.

3 **3. Report Financial Interest.** Within 30 days of the effective date of this action, report  
4 any financial interest which any partners, officers, or owners of the Respondent facility may have  
5 in any other business required to be registered pursuant to Section 9884.6 of the Business and  
6 Professions Code.

7 **4. Random Inspections.** Provide Bureau representatives unrestricted access to inspect  
8 all vehicles (including parts) undergoing repairs, up to and including the point of completion.

9 **5. Jurisdiction.** If an accusation is filed against Respondent during the term of  
10 probation, the Director of Consumer Affairs shall have continuing jurisdiction over this matter  
11 until the final decision on the accusation, and the period of probation shall be extended until such  
12 decision.

13 **6. Violation of Probation.** Should the Director of Consumer Affairs determine that  
14 Respondent has failed to comply with the terms and conditions of probation, the Department may,  
15 after giving notice and opportunity to be heard suspend or revoke the license.

16 **7. False and Misleading Advertising.** If the accusation involves false and misleading  
17 advertising, during the period of probation, Respondent shall submit any proposed advertising  
18 copy, whether revised or new, to the Bureau at least thirty (30) days prior to its use.

19 ACCEPTANCE

20 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the  
21 stipulation and the effect it will have on my Smog Check Inspector License. I enter into this  
22 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree  
23 to be bound by the Decision and Order of the Director of Consumer Affairs.  
24

25 DATED: \_\_\_\_\_  
26 HAIK MOURADIAN  
27 Respondent

27 ///  
28 ///

1 frequently than each quarter, on the methods used and success achieved in maintaining  
2 compliance with the terms and conditions of probation.

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22 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree  
23 to be bound by the Decision and Order of the Director of Consumer Affairs.

24  
25 DATED: 9/14/15

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HAIK MOURADIAN  
Respondent

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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Director of Consumer Affairs.

Dated: 9/17/15

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
MARC D. GREENBAUM  
Supervising Deputy Attorney General



MICHAEL A. CACCIOTTI  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Statement of Issues No. 79/16-05S**



1 KAMALA D. HARRIS  
Attorney General of California  
2 MARC D. GREENBAUM  
Supervising Deputy Attorney General  
3 MICHAEL A. CACCIOTTI  
Deputy Attorney General  
4 State Bar No. 129533  
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5 Los Angeles, CA 90013  
Telephone: (213) 897-2932  
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

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

12 In the Matter of the Statement of Issues  
Against:

Case No. 79/16-05s

13 **HAIK MOURADIAN**

**STATEMENT OF ISSUES**

14 Smog Check Inspector License Applicant

15 Respondent.

17 Complainant alleges:

18 **PARTIES**

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

22 2. On or about June 9, 2014, the Bureau received an application for a Smog Check  
23 Inspector License from Haik Mouradian (Respondent). On or about June 3, 2014, Respondent  
24 certified under penalty of perjury to the truthfulness of all statements, answers, and  
25 representations in the application, wherein he admitted that he had a previous license, certificate  
26 or registration that had been revoked. The Bureau denied the application on June 23, 2014,  
27 pursuant to Health and Safety Code section 44072.1, subdivisions (c) and (d), and California  
28 Code of Regulations, title 16, section 3395.1.

**PRIOR LICENSE – PRIOR DISCIPLINE**

**Automotive Repair Dealer Registration**

3. On a date uncertain in 2005, the Bureau issued Automotive Repair Dealer Registration No. ARD 242975 to Haik Mouradian doing business as Smog Ease Test Only Center. The registration expired on December 31, 2008 and was revoked on May 11, 2009.

**Smog Check, Test Only, Station License**

4. On January 11, 2006, the Bureau issued Smog Check, Test Only, Station License No. TC 242975 to Haik Mouradian doing business as Smog Ease Test Only Center. The registration expired on December 31, 2008 and was revoked on May 11, 2009.

**Advanced Emission Specialist Technician License**

5. On a date uncertain in 2004, the Bureau issued Advanced Emission Specialist Technician License No. EA 149984 to Haik Mouradian. Effective May 11, 2009, the technician license was revoked.

**Prior Discipline**

6. On February 15, 2008, Accusation No. 79/08-51 was filed, alleging Respondent violated various sections of the Business and Professions Code, Health and Safety Code, and California Code of Regulations, title 16. Effective May 11, 2009, pursuant to the Stipulated Revocation and Disciplinary Order in Accusation no. 79/08-51, Respondent's Automotive Repair Dealer Registration No. ARD 242975, Smog Check Test Only Station License No. TC 242975 (formerly designated as Automotive Repair Dealer Registration No. AM 242975 and Smog Check Test Only Station License No. TM 242975, respectively), and Advanced Emission Specialist Technician License No. EA 149984 were revoked. The Stipulated Revocation and Disciplinary Order in Accusation No. 79/08-51, is attached as **Exhibit A** and is incorporated by reference.

**JURISDICTION**

7. This Statement of Issues is brought before the Director of Consumer Affairs (Director) for the Bureau under the authority of the following laws.

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STATUTORY PROVISIONS

8. Section 44072 of the Health and Safety Code provides, in pertinent part, that the director may refuse to issue a license to any applicant for the reasons set forth in Section 44072.1.

9. Section 44072.1 of the Health and Safety Code states:

"The director may deny a license if the applicant, or any partner, officer, or director thereof, does any of the following:

....

"(b) Was previously the holder of a license issued under this chapter [the Motor Vehicle Inspection Program (Health and Saf. Code, § 44000, et seq.)], which license has been revoked and never reissued or which license was suspended and the terms of the suspension have not been fulfilled.

"(c) Has committed any act which, if committed by any licensee, would be grounds for the suspension or revocation of a license issued pursuant to this chapter.

"(d) Has committed any act involving dishonesty, fraud, or deceit whereby another is injured or whereby the applicant has benefitted."

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

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REGULATORY PROVISIONS

12. California Code of Regulations, title 16, section 3395.1 states:

"A person whose registration has previously been refused validation or who has committed acts prohibited by Section 9884.7 of the Act shall, as a condition to any subsequent consideration of an application for validation of his registration, submit evidence which is deemed to be

1 sufficient to establish his rehabilitation. The evidence of rehabilitation shall be submitted in  
2 addition to any other information which may be required by the bureau.”

3 **FIRST CAUSE FOR DENIAL OF APPLICATION**

4 (Previously Revoked License)

5 13. Respondent’s application for a smog check inspector license is subject to denial  
6 pursuant to Code section 44072.1, subdivision (b), in that effective May 11, 2009, Advanced  
7 Emission Specialist Technician License No. EA149984, a license previously held by Respondent,  
8 was revoked pursuant to the Stipulated Revocation and Disciplinary Order in Accusation No.  
9 79/08-51, Exhibit A.

10 **SECOND CAUSE FOR DENIAL OF APPLICATION**

11 (Acts if Committed by a Licentiate Constitute Grounds for Discipline)

12 14. Respondent’s application for a smog check inspector license is subject to denial  
13 pursuant to Health and Safety Code section 44072.1, subdivision (c), in that Respondent  
14 committed acts which if committed by a licentiate would be grounds for suspension or revocation  
15 of a license, as more particularly set forth in the Stipulated Revocation and Disciplinary Order in  
16 Accusation No. 79/08-51, Exhibit A.

17 **THIRD CAUSE FOR DENIAL OF APPLICATION**

18 (Acts Constituting Dishonesty, Fraud or Deceit)

19 15. Respondent’s application for a smog check inspector license is subject to denial  
20 pursuant to Health and Safety Code section 44072.1, subdivision (d), in that Respondent  
21 committed acts involving dishonesty, fraud or deceit, as more particularly set forth in the  
22 Stipulated Revocation and Disciplinary Order in Accusation Number 79/08-51, Exhibit A.

23 **PRAYER**

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

- 26 1. Denying the application of Haik Mouradian for a Smog Check Inspector License; and  
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2. Taking such other and further action as deemed necessary and proper.

DATED: 7/22/15

*Patrick Dorais* by *Doug Balatti*  
PATRICK DORAIS  
Chief  
Bureau of Automotive Repair  
Department of Consumer Affairs  
State of California  
*ASSIST. chief*  
*Complainant*

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