

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

In the Matter of the Accusation Against:

**GHOLAM REZA DADVASH, OWNER,
DBA SMOG CHECK STATION,**
13435 S. Prairie Avenue #A
Hawthorne, CA 90250
Automotive Repair Dealer Registration No.
ARD 196100
Smog Check Station License No. RC 196100
Brake Adjuster License No. BS 196100
Lamp Station License No. LS 196100

Case No. 79/15-116

OAH No. 2015090473

and

GHOLAM REZA DADVASH
2595 Plaza Del Amo, #403
Torrance, CA 90503
Smog Check Inspector License No. EO 125142
Smog Check Repair Technician License
Number EI 125142 (formerly Advanced
Emission Specialist Technician License No.
EA 125142)
Brake Adjuster License No. BA 125142
Lamp Adjuster License No. LA 125142

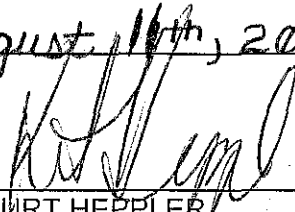
Respondents.

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, only as to respondent Gholam Reza Dadvash, Owner, dba Smog Check Station, Automotive Repair Dealer Registration No. ARD 196100, Smog Check Station License No. RC 196100, Brake Adjuster License No. BS 196100, and Lamp Station License No. LS 196100

This Decision shall become effective August 11th, 2016

DATED: 6/23/2016


KURT HEPPLER
Supervising Attorney
Division of Legal Affairs
Department of Consumer Affairs

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
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7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

13 **GHOLAM REZA DADVASH, OWNER,**
14 **DBA SMOG CHECK STATION,**
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14 Hawthorne, CA 90250
15 Automotive Repair Dealer Registration No.
ARD 196100
16 Smog Check Station License No. RC 196100
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18 and

19 **GHOLAM REZA DADVASH**
2595 Plaza Del Amo, #403
20 Torrance, CA 90503
Smog Check Inspector License No. EO
21 125142
Smog Check Repair Technician License
22 Number EI 125142 (formerly Advanced
Emission Specialist Technician License No.
23 EA 125142)
Brake Adjuster License No. BA 125142
24 Lamp Adjuster License No. LA 125142

25 Respondents.

Case No. 79/15-116

OAH No. 2015090473

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER AS TO
GHOLAM REZA DADVASH, OWNER,
DBA SMOG CHECK STATION ONLY**

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

3 **PARTIES/LICENSE INFORMATION**

4 1. Patrick Dorais ("Complainant") is the Chief of the Bureau of Automotive Repair
5 ("Bureau"). He brought this action solely in his official capacity and is represented in this matter
6 by Kamala D. Harris, Attorney General of the State of California, by Michael Brown, Deputy
7 Attorney General.

8 2. Respondent Gholam Reza Dadvash, Owner, dba Smog Check Station and Gholam
9 Reza Dadvash are represented in this proceeding by attorney Michael B. Levin, whose address is:
10 The Law Offices of Michael B. Levin, A Professional Law Corporation, 3727 Camino del Rio
11 South, Ste. 200, San Diego, CA 92108.

12 **Gholam Reza Dadvash, Owner, dba Smog Check Station**

13 **Automotive Repair Dealer Registration**

14 3. In or about 1997, the Bureau issued Automotive Repair Dealer Registration Number
15 ARD 196100 ("registration") to Gholam Reza Dadvash, Owner, dba Smog Check Station
16 ("Respondent Smog Station"). The Automotive Repair Dealer Registration was in full force and
17 effect at all times relevant to the charges brought herein and will expire on September 30, 2016,
18 unless renewed.

19 **Smog Check Station License**

20 4. On or about October 27, 1997, the Bureau issued Smog Check Station License
21 Number RC 196100 to Respondent Smog Station. The Smog Check Station License was in full
22 force and effect at all times relevant to the charges brought herein and will expire on September
23 30, 2016, unless renewed.

24 **Lamp Station License**

25 5. On or about November 12, 2002, the Bureau issued Lamp Station License Number
26 LS 196100 to Respondent Smog Station. The lamp station license was in full force and effect at
27 all times relevant to the charges brought herein and will expire on September 30, 2016, unless
28 renewed.

1 **Brake Station License**

2 6. On or about November 12, 2002, the Bureau issued Brake Station License Number
3 BS 196100 to Respondent Smog Station. The brake station license was in full force and effect at
4 all times relevant to the charges brought herein and will expire on September 30, 2016, unless
5 renewed.

6 **JURISDICTION**

7 7. Accusation No. 79/15-116 was filed before the Director of Consumer Affairs
8 (Director), for the Bureau, and is currently pending against Respondent Smog Station. The
9 Accusation and all other statutorily required documents was properly served on Respondent on
10 May 8, 2015. Respondent timely filed its Notice of Defense contesting the Accusation.

11 8. A copy of Accusation No. 79/15-116 is attached as exhibit A and incorporated herein
12 by reference.

13 **ADVISEMENT AND WAIVERS**

14 9. Respondent Smog Station has carefully read, fully discussed with counsel, and
15 understands the charges and allegations in Accusation No. 79/15-116. Respondent has also
16 carefully read, fully discussed with counsel, and understands the effects of this Stipulated
17 Settlement and Disciplinary Order.

18 10. Respondent Smog Station is fully aware of its legal rights in this matter, including the
19 right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-
20 examine the witnesses against him; the right to present evidence and to testify on its own behalf;
21 the right to the issuance of subpoenas to compel the attendance of witnesses and the production of
22 documents; the right to reconsideration and court review of an adverse decision; and all other
23 rights accorded by the California Administrative Procedure Act and other applicable laws.

24 11. Respondent Smog Station voluntarily, knowingly, and intelligently waives and gives
25 up each and every right set forth above.

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1 CULPABILITY

2 12. Respondent Smog Station admits the truth of each and every charge and allegation in
3 Accusation No. 79/15-116.

4 13. Respondent Smog Station agrees that its Automotive Repair Dealer Registration,
5 Smog Check Station License, Lamp Station License and Brake Station License are subject to
6 discipline and it agrees to be bound by the Director's imposition of discipline as set forth in the
7 Disciplinary Order below.

8 CONTINGENCY

9 14. This stipulation shall be subject to approval by the Director of Consumer Affairs or
10 the Director's designee. Respondent Smog Station understands and agrees that counsel for
11 Complainant and the staff of the Bureau of Automotive Repair may communicate directly with
12 the Director and staff of the Department of Consumer Affairs regarding this stipulation and
13 settlement, without notice to or participation by Respondent or its counsel. By signing the
14 stipulation, Respondent understands and agrees that it may not withdraw its agreement or seek to
15 rescind the stipulation prior to the time the Director considers and acts upon it. If the Director
16 fails to adopt this stipulation as the Decision and Order, the Stipulated Settlement and
17 Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible
18 in any legal action between the parties, and the Director shall not be disqualified from further
19 action by having considered this matter.

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

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

1 17. In consideration of the foregoing admissions and stipulations, the parties agree that
2 the Director may, without further notice or formal proceeding, issue and enter the following
3 Disciplinary Order:

4 **DISCIPLINARY ORDER**

5 **IT IS HEREBY ORDERED** that Lamp Station License Number LS 196100 and Brake
6 Station License Number BS 196100 issued to Respondent Smog Station are revoked.

7 **IT IS HEREBY ORDERED** that Automotive Repair Dealer Registration No. ARD
8 196100 and Smog Check Station License No. RC 196100 issued to Respondent Smog Station are
9 revoked. However, the revocations are stayed and Respondent Smog Station is placed on
10 probation for four (4) years on the following terms and conditions.

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

13 2. **Reporting.** Respondent Smog Station or Respondent Smog Station's authorized
14 representative must report in person or in writing as prescribed by the Bureau of Automotive
15 Repair, on a schedule set by the Bureau, but no more frequently than each quarter, on the methods
16 used and success achieved in maintaining compliance with the terms and conditions of probation.

17 3. **Report Financial Interest.** Within 30 days of the effective date of this action, report
18 any financial interest which any partners, officers, or owners of the Respondent Smog Station's
19 facility may have in any other business required to be registered pursuant to Section 9884.6 of the
20 Business and Professions Code.

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

23 5. **Jurisdiction.** If an accusation is filed against Respondent Smog Check during the
24 term of probation, the Director of Consumer Affairs shall have continuing jurisdiction over this
25 matter until the final decision on the accusation, and the period of probation shall be extended
26 until such decision.

27 6. **Violation of Probation.** Should the Director of Consumer Affairs determine that
28 Respondent Smog Station has failed to comply with the terms and conditions of probation, the

1 Department may, after giving notice and opportunity to be heard temporarily or permanently
2 invalidate the Automotive Repair Dealer Registration and Smog Check Station License.

3 7. **Cost Recovery.** Respondent Smog Station and Gholam Reza Dadvash shall jointly
4 and severally be obligated to reimburse the \$28,744.00 for its investigation and prosecution costs.
5 Respondent Smog Station shall pay to the Bureau a portion of investigation and enforcement of
6 this matter in the amount of \$28,744.00, paid as follows: Respondent Smog Station shall make
7 forty-two (42) equal monthly payments of \$684.38 per month, beginning the month of the
8 effective date of the Director's Decision and Order. [All payments shall be in the form of a
9 certified check, cashier's check or money order, payable to the Bureau of Automotive Repair and
10 shall be mailed or delivered to the Bureau of Automotive Repair, 10949 North Mather Boulevard,
11 Rancho Cordova, CA 95670, Attention Enforcement Planning and Oversight.] Failure to
12 complete payment of cost recovery within this timeframe shall constitute a violation of probation
13 which may subject the registration and licenses of Respondent Smog Station to outright
14 revocation; however, the Director or the Director's Bureau of Automotive Repair designee may
15 elect to continue probation until such time as reimbursement of the entire cost recovery amount
16 has been made to the Bureau.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Michael B. Levin. I understand the stipulation and the effect it will have on my Automotive Repair Dealer Registration, Smog Check Station License, Lamp Station License and Brake Station License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of Consumer Affairs.

DATED: 5/15/2016

Gholam Reza Dadvash
GHOLAM REZA DADVASH, OWNER, DBA SMOG
CHECK STATION
Respondent

I have read and fully discussed with Respondent Gholam Reza Dadvash, Owner, dba Smog Check Station, the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 5/15/16

Michael B. Levin
MICHAEL B. LEVIN
Attorney for 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: May 16 2016

Respectfully submitted,

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



MICHAEL BROWN
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 79/15-116

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

In the Matter of the Accusation Against:

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and

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2595 Plaza Del Amo, #403
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Brake Adjuster License No. BA 125142
Lamp Adjuster License No. LA 125142**

Respondents.

Case No. 79/15-116

OAH No. 2015090473

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER AS TO
GHOLAM REZA DADVASH, OWNER,
DBA SMOG CHECK STATION ONLY**

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Director of Consumer Affairs and the Bureau of Automotive Repair as the Decision and Order in the above entitled matter.

This Decision shall become effective on _____.

It is so ORDERED _____.

FOR THE DIRECTOR OF CONSUMER AFFAIRS
BUREAU OF AUTOMOTIVE REPAIR

1 KAMALA D. HARRIS
Attorney General of California
2 ARMANDO ZAMBRANO
Supervising Deputy Attorney General
3 MICHAEL BROWN
Deputy Attorney General
4 State Bar No. 231237
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2095
6 Facsimile: (213) 897-2804
E-mail: MichaelB.Brown@doj.ca.gov
7 *Attorneys for Complainant*

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

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Case No. 79/15-116

13 **GHOLAM REZA DADVASH, OWNER,**
14 **DBA SMOG CHECK STATION,**
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Hawthorne, CA 90250
Automotive Repair Dealer Registration No.
15 **ARD 196100**
Smog Check Station License No. RC 196100
16 Brake Adjuster License No. BS 196100
Lamp Station License No. LS 196100

ACCUSATION

17 and

18 **GHOLAM REZA DADVASH**
19 2595 Plaza Del Amo, #403
Torrance, CA 90503
20 Smog Check Inspector License No. EO
125142
21 Smog Check Repair Technician License
Number EI 125142 (formerly Advanced
22 Emission Specialist Technician License No.
EA 125142)
23 Brake Adjuster License No. BA 125142
Lamp Adjuster License No. LA 125142

24 Respondents.
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1 Complainant alleges:

2 **PARTIES/LICENSE INFORMATION**

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

5 **Gholam Reza Dadvash, Owner, dba Smog Check Station**

6 **Automotive Repair Dealer Registration**

7 2. In or about 1997, the Bureau issued Automotive Repair Dealer Registration Number
8 ARD 196100 ("registration") to Gholam Reza Dadvash, Owner, dba Smog Check Station
9 ("Respondent Smog Station"). The Automotive Repair Dealer Registration was in full force and
10 effect at all times relevant to the charges brought herein and will expire on September 30, 2015,
11 unless renewed.

12 **Smog Check Station License**

13 3. On or about October 27, 1997, the Bureau issued Smog Check Station License
14 Number RC 196100 to Respondent Smog Station. The Smog Check Station License was in full
15 force and effect at all times relevant to the charges brought herein and will expire on September
16 30, 2015, unless renewed.

17 **Lamp Station License**

18 4. On or about November 12, 2002, the Bureau of Automotive Repair issued Lamp
19 Station License Number LS 196100 Respondent Smog Station. The lamp station license was in
20 full force and effect at all times relevant to the charges brought herein and will expire on
21 September 30, 2015, unless renewed.

22 **Brake Station License**

23 5. On or about November 12, 2002, the Bureau issued Brake Station License Number
24 BS 196100 to Respondent Smog Station. The brake station license was in full force and effect at
25 all times relevant to the charges brought herein and will expire on September 30, 2015, unless
26 renewed.

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Gholam Reza Dadvash

**Technician License/Inspector License
(formerly Advanced Emission Specialist Technician License Number EA 125142)**

6. In or about 1996, the Bureau issued Advanced Emission Specialist Technician License Number EA 125142 to Gholam Reza Dadvash ("Respondent Dadvash").

Respondent Dadvash's Advanced Emission Specialist Technician License was due to expire on January 31, 2014, however, was cancelled on December 13, 2013. Pursuant to California Code of Regulations, title 16, section 3340.28, subdivision (e)¹, the license was renewed, pursuant to Respondent Dadvash's election, as Smog Check Inspector License Number EO 125142 ("inspector license") and Smog Check Repair Technician License Number EI 125142 ("repair technician license"), effective December 13, 2013. Respondent Dadvash's inspector license and repair technician license were in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2016, unless renewed.

Brake Adjuster License

7. In or about 2002, the Bureau issued Brake Adjuster License Number BA 125142 to Respondent Dadvash. Respondent Dadvash's brake adjuster license was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2019, unless renewed.

Lamp Adjuster License

8. In or about 1992, the Bureau issued Lamp Adjuster License Number LA 125142 to Respondent Dadvash. Respondent Dadvash's lamp adjuster license was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2019, unless renewed.

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¹ Effective August 1, 2012, California Code of Regulations, title 16, sections 3340.28, 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/or Smog Check Repair Technician (EI) license.

JURISDICTION

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2 9. This Accusation is brought before the Director of Consumer Affairs ("Director") for
3 the Bureau of Automotive Repair, under the authority of the following laws. All section
4 references are to the Business and Professions Code unless otherwise indicated.

5 10. Business and Professions Code ("Code") section 9884.7 provides that the director
6 may revoke an automotive repair dealer registration.

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

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

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

18 14. Section 44072.8 of the Health and Safety Code states:

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

22 15. California Code of Regulations, title 16, section 3340.28(e), states that "[u]pon
23 renewal of an unexpired Basic Area Technician license or an Advanced Emission Specialist
24 Technician license issued prior the effective date of this regulation, the licensee may apply to
25 renew as a Smog Check Inspector, Smog Check Repair Technician, or both."

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STATUTORY PROVISIONS

16. 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.

....

"(3) Failing or refusing to give to a customer a copy of any document requiring his or her signature, as soon as the customer signs the document.

"(4) Any other conduct which constitutes fraud.

"(5) Conduct constituting gross negligence.

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

17. Section 9884.8 of the Code states:

"All work done by an automotive repair dealer, including all warranty work, shall be recorded on an invoice and shall describe all service work done and parts supplied. Service work and parts shall be listed separately on the invoice, which shall also state separately the subtotal prices for service work and for parts, not including sales tax, and shall state separately the sales tax, if any, applicable to each. If any used, rebuilt, or reconditioned parts are supplied, the invoice shall clearly state that fact. If a part of a component system is composed of new and used, rebuilt or reconditioned parts, that invoice shall clearly state that fact. The invoice shall include a statement indicating whether any crash parts are original equipment manufacturer crash parts or nonoriginal equipment manufacturer aftermarket crash parts. One copy of the invoice shall be given to the customer and one copy shall be retained by the automotive repair dealer."

1 18. Section 9884.9 of the Code states:

2 "(a) The automotive repair dealer shall give to the customer a written estimated price for
3 labor and parts necessary for a specific job. No work shall be done and no charges shall accrue
4 before authorization to proceed is obtained from the customer. No charge shall be made for work
5 done or parts supplied in excess of the estimated price without the oral or written consent of the
6 customer that shall be obtained at some time after it is determined that the estimated price is
7 insufficient and before the work not estimated is done or the parts not estimated are supplied.
8 Written consent or authorization for an increase in the original estimated price may be provided
9 by electronic mail or facsimile transmission from the customer. The bureau may specify in
10 regulation the procedures to be followed by an automotive repair dealer if an authorization or
11 consent for an increase in the original estimated price is provided by electronic mail or facsimile
12 transmission. If that consent is oral, the dealer shall make a notation on the work order of the
13 date, time, name of person authorizing the additional repairs and telephone number called, if any,
14 together with a specification of the additional parts and labor and the total additional cost, and
15 shall do either of the following:

16 "(1) Make a notation on the invoice of the same facts set forth in the notation on the work
17 order.

18 "(2) Upon completion of the repairs, obtain the customer's signature or initials to an
19 acknowledgment of notice and consent, if there is an oral consent of the customer to additional
20 repairs, in the following language:

21 "I acknowledge notice and oral approval of an increase in the original estimated price.

22 _____
23 (signature or initials)"

24 "Nothing in this section shall be construed as requiring an automotive repair dealer to give a
25 written estimated price if the dealer does not agree to perform the requested repair."

26 19. Section 9889.1 of the Code provides, in pertinent part, that the Director may suspend
27 or revoke any license issued under Articles 5 and 6 (commencing with section 9887.1) of the
28 Automotive Repair Act.

1 20. Section 9889.3 of the Code states:

2 "The director may suspend, revoke, or take other disciplinary action against a license as
3 provided in this article if the licensee or any partner, officer, or director thereof:

4 "(a) Violates any section of the Business and Professions Code that relates to his or her
5 licensed activities.

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7 "(c) Violates any of the regulations promulgated by the director pursuant to this chapter.

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

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

12 21. Section 9889.7 of the Code provides, in pertinent part, that the expiration or
13 suspension of a license by operation of law or by order or decision of the Director or a court of
14 law, or the voluntary surrender of a license shall not deprive the Director of jurisdiction to
15 proceed with any disciplinary proceedings.

16 22. Section 9889.9 of the Code states:

17 "When any license has been revoked or suspended following a hearing under the provisions
18 of this article, any additional license issued under Articles 5 and 6 of this chapter in the name of
19 the licensee may be likewise revoked or suspended by the director."

20 23. Section 9889.16 of the Code states:

21 "Whenever a licensed adjuster in a licensed station upon an inspection or after an
22 adjustment, made in conformity with the instructions of the bureau, determines that the lamps or
23 the brakes upon any vehicle conform with the requirements of the Vehicle Code, he shall, when
24 requested by the owner or driver of the vehicle, issue a certificate of adjustment on a form
25 prescribed by the director, which certificate shall contain the date of issuance, the make and
26 registration number of the vehicle, the name of the owner of the vehicle, and the official license of
27 the station."

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1 REGULATORY PROVISION

2 24. California Code of Regulations, title 16, section 3305 states, in pertinent part:

3 "(a) Performance Standards. All adjusting, inspecting, servicing, and repairing of brake
4 systems and lamp systems shall be performed in official stations in accordance with current
5 standards, specifications, instructions, and directives issued by the bureau and by the
6 manufacturer of the device or vehicle."

7 25. California Code of Regulations, title 16, section 3316 states, in pertinent part:

8 (d)(2) Inspection of the Entire Lighting System. "Where all of the lamps, lighting
9 equipment, and related electrical systems on a vehicle have been inspected and found in
10 compliance with all requirements of the Vehicle Code and bureau regulations, the certificate shall
11 certify that the entire system meets all such requirement."

12 26. California Code of Regulations, title 16, section 3321 states, in pertinent part:

13 "(c)(2) Inspection of the Entire Brake System. "Where the entire brake system on
14 any vehicle has been inspected or tested and found in compliance with all requirements of
15 the Vehicle Code and bureau regulations, and the vehicle has been road-tested, the
16 certificate shall certify that the entire system meets all such requirements."

17 27. California Code of Regulation, 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 28. California Code of Regulation, title 16, section 3353, subdivision (a), states:

22 "No work for compensation shall be commenced and no charges shall accrue without
23 specific authorization from the customer in accordance with the following requirements:

24 (a) Estimate for Parts and Labor. Every dealer shall give to each customer a written
25 estimated price for parts and labor for a specific job."

26 29. California Code of Regulation, title 16, section 3356, subdivision (a)2(A) and (a)2(B),
27 states:

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1 Dadvash completed an estimate. The Operator was not provided a copy of the signed estimate. A
2 Hispanic male inspected the Mazda brakes and lamps. Respondent Dadvash called the Operator
3 over and told him the headlight adjusters were broken and not working even though Respondent
4 Dadvash did not use a headlamp aiming/measurement device. Respondent Dadvash stated that he
5 could not do the inspection. The Operator stated that he would have the headlight adjusters
6 replaced and come back for the brake and lamp inspection at a later date. The Operator was not
7 supplied with a written estimate or an invoice and was not charged for the inspection.

8 33. On September 18, 2013, a Bureau representative re-inspected the vehicle and found
9 that the right front and rear wheel were not removed, the right and left rear brake drums were out
10 of the manufacturer's specifications. In addition, the right front headlamp had not been adjusted
11 and the rear license plate light bulbs were inoperative.

12 **FIRST CAUSE FOR DISCIPLINE**

13 **(Untrue and Misleading Statements)**

14 34. Respondent Smog Station registration is subject to discipline under Code section
15 9884.7(a)(1), in that on or September 17, 2013, regarding the 2000 Mazda, Respondent Smog
16 Station made or authorized statements which it knew or in the exercise of reasonable care should
17 have known to be untrue or misleading, as follows:

18 a. Respondent Smog Station's helper did not conduct a complete lamp inspection.
19 Respondent Dadvash stated that a problem with the headlamp adjusters prevented testing without
20 determining that the headlamps were in need of adjustment.

21 **SECOND CAUSE FOR DISCIPLINE**

22 **(Failure to Provide a Copy of Estimate and Invoice)**

23 35. Respondent Smog Station's registration is subject to discipline under Code section
24 9884.8, 9884.9, subdivision (a) and California Code of Regulations, title 16, section 3353,
25 subdivision (a), in that on or about September 17, 2013, regarding the 2000 Mazda, Respondent
26 Smog Station failed to provide the Operator with a copy of the estimate and invoice.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Failure to Provide a Copy of a Signed Document)**

3 36. Respondent Smog Station's registration is subject to discipline under Code section
4 9884.7, subdivision (a)(3), in that on or about September 17, 2013, regarding the 2000 Mazda,
5 Respondent Smog Station failed to provide the operator with a copy of the estimate as soon as the
6 Operator signed the estimate.

7 **UNDERCOVER OPERATION NO. 2: 2000 MAZDA**

8 37. On October 2, 2013, an undercover operator of the Bureau ("Operator") took the
9 Bureau's 2000 Mazda to Respondent Smog Station's facility and requested a brake and lamp
10 inspection. The vehicle defects included a brake system with the right and left rear brake drums
11 out of the manufacturer's specifications. Tamper indicators were installed on all the wheels of the
12 vehicle. The vehicle's front right and left headlamp were out of adjustment and the rear license
13 plate light bulbs were inoperative. The Operator spoke to Respondent Dadvash and told him his
14 boss had replaced the headlamp assemblies as Respondent Dadvash had recommended during the
15 previous visit. Respondent Dadvash remembered the Operator. Respondent Dadvash told the
16 Operator that they had previously inspected the brakes and lamps and there was no need to do it
17 again. Respondent Dadvash completed an estimate and the Operator signed it. The Operator was
18 not provided a copy of the signed estimate. Respondent Dadvash filled out a brake and lamp
19 certificate. The Operator paid \$70.00 and was provided with a copy of an invoice, Brake
20 Certificate Number [REDACTED] and Lamp Certificate Number [REDACTED].

21 38. On October 8, 2013, a Bureau representative re-inspected the 2000 Mazda vehicle and
22 found that the right and left rear brake drums were out of the manufacturer's specifications. In
23 addition, both front headlamps were out of manufacturer's specifications and the rear license plate
24 light bulbs were inoperative.

25 **FOURTH CAUSE FOR DISCIPLINE**

26 **(Untrue or Misleading Statements)**

27 39. Respondent Smog Station's registration is subject to discipline under Code section
28 9884.7(a)(1), in that on or about October 2, 2013, regarding the 2000 Mazda, Respondent Smog

1 Station made or authorized statements which it knew or in the exercise of reasonable care should
2 have known to be untrue or misleading, as follows:

3 a. Respondent Smog Station certified under penalty of perjury on Brake Certificate
4 Number [REDACTED] that the applicable inspection was performed on the brake system when, in
5 fact, Respondent Dadvash failed to inspect the brake system on the vehicle, as evidenced by his
6 failure to remove the wheels and the rear brake drums were not checked. In addition, the vehicle
7 was not road tested.

8 b. Respondent Smog Station certified under penalty of perjury on Brake Certificate
9 Number [REDACTED] that the right and left rear drums were within manufacturer's specifications.

10 c. Respondent Smog Station certified under penalty of perjury on Lamp Certificate
11 Number [REDACTED] that the applicable adjustments had been performed on the lamp system
12 when, in fact, both front headlamps had not been adjusted and were out of manufacturer's
13 specifications. In addition, the rear license plate light bulbs were inoperative.

14 **FIFTH CAUSE FOR DISCIPLINE**

15 **(Fraud)**

16 40. Respondent Smog Station's registration is subject to discipline pursuant to Code
17 section 9884.7(a)(4), in that on or about October 2, 2013, regarding the 2000 Mazda, Respondent
18 Smog Station committed acts that constitute fraud, as follows:

19 a. Respondent Smog Station obtained payment from the operator for performing the
20 applicable inspections and adjustments on the vehicle's brake and lamp systems as specified by
21 the Bureau and in accordance with the Vehicle Code when, in fact, Respondent Smog Station
22 failed to perform the necessary inspections.

23 **SIXTH CAUSE FOR DISCIPLINE**

24 **(Gross Negligence)**

25 41. Respondent Smog Station's registration is subject to discipline under Code section
26 9884.7(a)(5), in that on or about October 2, 2013, regarding the 2000 Mazda, Respondent Smog
27 Station committed acts constituting gross negligence, in that Respondent Dadvash, failed to
28 properly inspect the vehicle's brake and lamp systems and issued Brake Certificate [REDACTED]

1 and Lamp Certificate Number [REDACTED], indicating that the vehicle's brake and lamp systems
2 were in satisfactory condition and were in accordance with the Vehicle Code when, in fact, they
3 were not.

4 **SEVENTH CAUSE FOR DISCIPLINE**

5 (Failure to Provide a Copy of a Signed Document)

6 42. Respondent Smog Station's registration is subject to discipline under Code section
7 9884.7(a)(3), in that on or about October 2, 2013, regarding the 2000 Mazda, Respondent Smog
8 Station failed to provide the operator with a copy of the estimate as soon as the operator signed
9 the document.

10 **EIGHTH CAUSE FOR DISCIPLINE**

11 (Failure to Comply with the Code)

12 43. Respondent Smog Station's registration is subject to discipline pursuant to Code
13 section 9884.7(a)(6), in that on or about October 2, 2013, regarding the 2000 Mazda, Respondent
14 Smog Station failed to comply with provisions of that Code in the following material respects:

15 a. **Section 9884.9(a):** Respondent Smog Station failed to provide the operator with a
16 written estimated price for parts and labor for a specific job.

17 b. **Section 9889.16:**

18 i. Respondent Dadvash issued Brake Certificate Number [REDACTED] for the
19 vehicle, when the vehicle was not in compliance with Bureau regulations or the requirements of
20 the Vehicle Code, in that the right and left rear brake drums were out of manufacturer's
21 specifications.

22 ii. Respondent Dadvash issued Lamp Certificate Number [REDACTED] for the
23 vehicle, when the vehicle was not in compliance with Bureau regulations or the requirements of
24 the Vehicle Code, in that both front headlamps had not been adjusted and were out of the
25 manufacturer's specifications and the rear license plate light bulbs were inoperative.

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1 NINTH CAUSE FOR DISCIPLINE

2 (Failure to Comply with Regulations)

3 44. Respondent Smog Station's registration is subject to discipline pursuant to Code
4 section 9884.7(a)(6), in that on or about October 2, 2013, regarding the 2000 Mazda, Respondent
5 Smog Station failed to comply with provisions of California Code of Regulations, title 16, in the
6 following material respects:

7 a. Section 3305(a): Respondent Dadvash failed to perform a brake and lamp
8 inspection in accordance with the vehicle's manufacturer standards and/or current standards,
9 specifications, recommended procedures, and/or directives issued by the Bureau.

10 b. Section 3316(d)(2): Respondent Dadvash issued Lamp Certificate Number
11 [REDACTED], certifying that the vehicle's lamp system had been inspected and was in satisfactory
12 condition when, in fact, it was not.

13 c. Section 3321(c)(2): Respondent Dadvash issued Brake Certificate Number
14 [REDACTED], certifying that the vehicle's brake system had been inspected and was in satisfactory
15 condition when, in fact, it was not.

16 TENTH CAUSE FOR DISCIPLINE

17 (Failure to Comply with the Code)

18 45. Respondent Smog Station's brake and lamp station licenses are subject to discipline
19 under Code section 9889.3(a) and (h), in that on or about October 2, 2013, regarding the 2000
20 Mazda, Respondent Smog Station violated sections of the Code, relating to its licensed activities,
21 as more particularly set forth above in paragraph 43.

22 ELEVENTH CAUSE FOR DISCIPLINE

23 (Failure to Comply with Regulations)

24 46. Respondent Smog Station's brake and lamp station licenses are subject to discipline
25 under Code section 9889.3(c), in that on or about October 2, 2013, regarding the 2000 Mazda,
26 Respondent Smog Station failed to comply with provisions of California Code of Regulations,
27 title 16, as more particularly set forth above in paragraph 44.

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TWELFTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud, or Deceit)

47. Respondent Smog Station's brake and lamp station licenses are subject to discipline pursuant to Code section 9889.3(d), in that on or about October 2, 2013, regarding the 2000 Mazda, Respondent Smog Station committed acts involving dishonesty, fraud, or deceit whereby another was injured, as more particularly set forth above in paragraphs 37 and 38.

THIRTEENTH CAUSE FOR DISCIPLINE

(Failure to Comply with the Code)

48. Respondent Dadvash's brake and lamp adjuster licenses are subject to discipline under Code section 9889.3(a), in that on or about October 2, 2013, regarding the 2000 Mazda, Respondent Dadvash violated sections of the Code, relating to his licensed activities, as more particularly set forth above in paragraph 43.

FOURTEENTH CAUSE FOR DISCIPLINE

(Failure to Comply with Regulations)

49. Respondent Dadvash's brake and lamp adjuster licenses are subject to discipline under Code section 9889.3(e), in that on or about October 2, 2013, regarding the 2000 Mazda, Respondent Dadvash failed to comply with provisions of California Code of Regulations, title 16, as more particularly set forth above in paragraph 44.

FIFTEENTH CAUSE FOR DISCIPLINE

(Acts Involving Dishonesty, Fraud, or Deceit - Adjuster Licenses)

50. Respondent Dadvash's brake and lamp adjuster licenses are subject to discipline under Code section 9889.3(d), in that on or October 2, 2013, regarding the 2000 Mazda, Respondent Dadvash committed acts involving dishonesty, fraud, or deceit, by issuing Brake Certificate Number [REDACTED] and Lamp Certificate Number [REDACTED], certifying that the brake and lamp systems were in satisfactory condition and in accordance with the Vehicle Code, when, in fact, they were not.

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UNDERCOVER OPERATION NO. 3: 2000 CHEVROLET

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2 51. On November 5, 2013, an undercover operator of the Bureau ("Operator") took the
3 Bureau's 2000 Chevrolet to Respondent Smog Station's facility and requested a brake and lamp
4 inspection. The vehicle defects included a brake system with the right and left rear brake drums
5 out of the manufacturer's specifications. The vehicle driver's side headlamp was out of
6 adjustment and the right rear tail lamp bulb, turn signal/brake light bulb was inoperative. The
7 Operator spoke to Respondent Dadvash and the Operator was instructed to write the vehicle's
8 information on a blank repair order and sign it. The Operator was not provided a copy of the
9 signed estimate. Respondent Dadvash instructed his helper to inspect the vehicle for a brake and
10 lamp certification. The helper pulled the Bureau vehicle into a bay. The helper turned on all the
11 vehicles exterior lights and walked around the vehicle to if they were illuminated. The helper told
12 Respondent Dadvash that the right brake turn signal was burned out. The helper replaced the
13 bulb. Respondent Dadvash or his helper did not use a headlamp aiming/measurement device on
14 the vehicle.

15 52. The helper removed the passenger side wheels and inspected the right front rotor,
16 removed and inspected the right rear drum and put it back, reinstalled the wheels and lowered the
17 vehicle, but did not test drive the vehicle. Respondent Dadvash did not participate in the
18 inspection. The operator paid \$70.00 and was provided with a copy of invoice, Brake Certificate
19 Number [REDACTED] and Lamp Certificate Number [REDACTED]. The driver's side wheels were
20 never removed and the driver side brakes were never inspected.

21 53. A Bureau representative re-inspected the vehicle and found that the right and left rear
22 brake drums were out of the manufacturer's specifications. The Bureau representative discovered
23 that the tamper indicators he had installed on the two (2) drivers wheel and tire assemblies were
24 intact and unbroken. In addition, the vehicle's driver's side headlamp was out of adjustment. The
25 right rear turn signal brake light bulb was functioning normally. The Bureau representative found
26 that the tamper indicator he had installed on the headlamp adjusters were intact and unbroken,
27 indicating no adjustment of the headlamps were performed.

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SIXTEENTH CAUSE FOR DISCIPLINE

(Untrue or Misleading Statements)

54. Respondent Smog Station's registration is subject to discipline under Code section 9884.7(a)(1), in that on or about November 5, 2013, regarding the 2000 Chevrolet, Respondent Smog Station made or authorized statements which it knew or in the exercise of reasonable care should have known to be untrue or misleading, as follows:

a. Respondent Smog Station certified under penalty of perjury on Brake Certificate Number [REDACTED] that the applicable inspection was performed on the brake system when, in fact, Respondent Dadvash failed to inspect the brake system on the vehicle, as evidenced by his failure to remove the driver's side wheels.

b. Respondent Smog Station certified under penalty of perjury on Brake Certificate Number [REDACTED] that the right and left rear drums were within manufacturer's specifications.

c. Respondent Smog Station certified under penalty of perjury on Lamp Certificate Number [REDACTED] that the applicable adjustments had been performed on the lamp system when, in fact, the driver's side headlamp had not been adjusted and was out of manufacturer's specification. In addition, the tamper indicator that had been installed on the headlamp adjusters were intact and unbroken, indicating no adjustment of the headlamps were performed.

SEVENTEENTH CAUSE FOR DISCIPLINE

(Fraud)

55. Respondent Smog Station's registration is subject to discipline pursuant to Code section 9884.7(a)(4), in that on or about November 5, 2013, regarding the 2000 Chevrolet, Respondent Smog Station committed acts that constitute fraud, as follows:

a. Respondent Smog Station obtained payment from the operator for performing the applicable inspections and adjustments on the vehicle's brake and lamp systems as specified by the Bureau and in accordance with the Vehicle Code when, in fact, Respondent Smog Station failed to perform the necessary inspections.

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1 **EIGHTEENTH CAUSE FOR DISCIPLINE**

2 **(Gross Negligence)**

3 56. Respondent Smog Station's registration is subject to discipline under Code section
4 9884.7(a)(5), in that on or about November 5, 2013, regarding the 2000 Chevrolet, Respondent
5 Smog Station committed acts constituting gross negligence, in that Respondent Dadvash, failed to
6 properly inspect the vehicle's brake and lamp systems and issued Brake Certificate [REDACTED]
7 and Lamp Certificate Number [REDACTED], indicating that the vehicle's brake and lamp systems
8 were in satisfactory condition and were in accordance with the Vehicle Code when, in fact, they
9 were not.

10 **NINETEENTH CAUSE FOR DISCIPLINE**

11 **(Failure to Provide a Copy of a Signed Document)**

12 57. Respondent Smog Station's registration is subject to discipline under Code section
13 9884.7(a)(3), in that on or about November 5, 2013, regarding the 2000 Chevrolet, Respondent
14 Smog Station failed to provide the operator with a copy of the estimate as soon as the operator
15 signed the document.

16 **TWENTIETH CAUSE FOR DISCIPLINE**

17 **(Failure to Comply with the Code)**

18 58. Respondent Smog Station's registration is subject to discipline pursuant to Code
19 section 9884.7(a)(6), in that on or about November 5, 2013, regarding the 2000 Chevrolet,
20 Respondent Smog Station failed to comply with provisions of that Code in the following material
21 respects:

22 a. **Section 9884.9(a):** Respondent Smog Station failed to provide the operator with a
23 written estimated price for parts and labor for a specific job.

24 b. **Section 9889.16:**

25 i. Respondent Dadvash issued Brake Certificate Number [REDACTED] for the
26 vehicle, when the vehicle was not in compliance with Bureau regulations or the requirements of
27 the Vehicle Code, in that the right and left rear brake drums were out of manufacturer's
28 specifications.

1 ii. Respondent Dadvash issued Lamp Certificate Number [REDACTED] for the
2 vehicle, when the vehicle was not in compliance with Bureau regulations or the requirements of
3 the Vehicle Code, in that the driver's side headlamp had not been adjusted and was out of
4 manufacturer's specification. In addition, the tamper indicator that had been installed on the
5 headlamp adjusters were intact and unbroken, indicating no adjustment of the headlamps were
6 performed.

7 **TWENTY-FIRST CAUSE FOR DISCIPLINE**

8 (Failure to Comply with Regulations)

9 59. Respondent Smog Station's registration is subject to discipline pursuant to Code
10 section 9884.7(a)(6), in that on or about November 5, 2013, regarding the 2000 Chevrolet,
11 Respondent Smog Station failed to comply with provisions of California Code of Regulations,
12 title 16, in the following material respects:

13 a. **Section 3305(a)**: Respondent Dadvash failed to perform a brake and lamp
14 inspection in accordance with the vehicle's manufacturer standards and/or current standards,
15 specifications, recommended procedures, and/or directives issued by the Bureau.

16 b. **Section 3316(d)(2)**: Respondent Dadvash issued Lamp Certificate Number
17 [REDACTED], certifying that the vehicle's lamp system had been inspected and was in satisfactory
18 condition when, in fact, it was not.

19 c. **Section 3321(c)(2)**: Respondent Dadvash issued Brake Certificate Number
20 [REDACTED], certifying that the vehicle's brake system had been inspected and was in satisfactory
21 condition when, in fact, it was not.

22 **TWENTY-SECOND CAUSE FOR DISCIPLINE**

23 (Invoice Requirements)

24 60. Respondent Smog Station's registration is subject to discipline under Code section
25 9884.8 and California Code of Regulations, title 16, section 3356, subdivision (a)(2)(a) and (b), in
26 that on or about November 5, 2013, regarding the 2000 Chevrolet, Respondent Smog Station
27 failed to record all service and repair work performed and failed to record the price for each
28 service and repair.

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TWENTY-THIRD CAUSE FOR DISCIPLINE

(Failure to Comply with the Code)

61. Respondent Smog Station's brake and lamp station licenses are subject to discipline under Code section 9889.3(a) and (h), in that on or about November 5, 2013, regarding the 2000 Chevrolet, Respondent Smog Station violated sections of the Code, relating to its licensed activities, as more particularly set forth above in paragraph 58.

TWENTY-FOURTH CAUSE FOR DISCIPLINE

(Failure to Comply with Regulations)

62. Respondent Smog Station's brake and lamp station licenses are subject to discipline under Code section 9889.3(c), in that on or about November 5, 2013, regarding the 2000 Chevrolet, Respondent Smog Station failed to comply with provisions of California Code of Regulations, title 16, as more particularly set forth above in paragraph 59.

TWENTY-FIFTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud, or Deceit)

63. Respondent Smog Station's brake and lamp station licenses are subject to discipline pursuant to Code section 9889.3(d), in that on or about November 5, 2013, regarding the 2000 Chevrolet, Respondent Smog Station committed acts involving dishonesty, fraud, or deceit whereby another was injured, as more particularly set forth above in paragraphs 51, 52 and 53.

TWENTY-SIXTH CAUSE FOR DISCIPLINE

(Failure to Comply with the Code)

64. Respondent Dadvash's brake and lamp adjuster licenses are subject to discipline under Code section 9889.3(a), in that on or about November 5, 2013, regarding the 2000 Chevrolet, Respondent Dadvash violated sections of the Code, relating to his licensed activities, as more particularly set forth above in paragraph 58.

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1 TWENTY-SEVENTH CAUSE FOR DISCIPLINE

2 (Failure to Comply with Regulations)

3 65. Respondent Dadvash's brake and lamp adjuster licenses are subject to discipline
4 under Code section 9889.3(e), in that on or about November 5, 2013, regarding the 2000
5 Chevrolet, Respondent Dadvash failed to comply with provisions of California Code of
6 Regulations, title 16, as more particularly set forth above in paragraph 59.

7 TWENTY-EIGHTH CAUSE FOR DISCIPLINE

8 (Acts Involving Dishonesty, Fraud, or Deceit - Adjuster Licenses)

9 66. Respondent Dadvash's brake and lamp adjuster licenses are subject to discipline
10 under Code section 9889.3(d), in that on or November 5, 2013, regarding the 2000 Chevrolet,
11 Respondent Dadvash committed acts involving dishonesty, fraud, or deceit, by issuing Brake
12 Certificate Number [REDACTED] and Lamp Certificate Number [REDACTED], certifying that the
13 brake and lamp systems were in satisfactory condition and in accordance with the Vehicle Code,
14 when, in fact, they were not.

15 UNDERCOVER OPERATION NO. 4: 2000 TOYOTA

16 67. On January 8, 2014, an undercover operator of the Bureau ("Operator") took the
17 Bureau's 2000 Toyota to Respondent Smog Station's facility and requested a brake and lamp
18 inspection. The vehicle defects included a brake system with the right and left rear brake drums
19 out of the manufacturer's specifications. The vehicle's driver side headlamp was out of
20 adjustment and the rear license plate bulbs were inoperative. The Operator spoke to Respondent
21 Dadvash and the Operator was instructed to write the vehicle's information on a blank estimate
22 and sign it. The Operator was not provided a copy of the signed estimate. Respondent Dadvash
23 went to his office and pulled out a brake and lamp certificate booklets from his desk and filled out
24 a brake and lamp certificates. Respondent Dadvash did not perform a brake or lamp inspection.
25 Respondent Dadvash did not test drive the vehicle. Also, Respondent Dadvash did not use a
26 headlamp aiming/measurement device on the vehicle. The Operator paid \$70.00 and was
27 provided with a copy of invoice, Brake Certificate Number [REDACTED] and Lamp Certificate
28 Number [REDACTED].

1 68. A Bureau representative re-inspected the vehicle and found that the right and left rear
2 brake drums were out of the manufacturer's specifications. The Bureau representative discovered
3 that the tamper indicators he had installed on the four (4) drivers wheel and tire assemblies were
4 intact and unbroken. In addition, the vehicle's driver's side headlamp was out of adjustment and
5 the rear license plate bulbs were inoperative.

6 **TWENTY-NINTH CAUSE FOR DISCIPLINE**

7 **(Untrue or Misleading Statements)**

8 69. Respondent Smog Station's registration is subject to discipline under Code section
9 9884.7(a)(1), in that on or about January 8, 2014, regarding the 2000 Toyota, Respondent Smog
10 Station made or authorized statements which it knew or in the exercise of reasonable care should
11 have known to be untrue or misleading, as follows:

12 a. Respondent Smog Station certified under penalty of perjury on Brake Certificate
13 Number [REDACTED] that the applicable inspection was performed on the brake system when, in
14 fact, Respondent Smog Station failed to inspect the brake system on the vehicle, as evidenced by
15 his failure to remove the vehicle wheels.

16 b. Respondent Smog Station certified under penalty of perjury on Brake Certificate
17 Number [REDACTED] that the right and left rear drums were within manufacturer's specifications.

18 c. Respondent Smog Station certified under penalty of perjury on Lamp Certificate
19 Number [REDACTED] that the applicable adjustments had been performed on the lamp system
20 when, in fact, the driver's side headlamp had not been adjusted and was out of manufacturer's
21 specification. In addition, the vehicle's driver's side headlamp was out of adjustment and the rear
22 license plate bulbs were inoperative.

23 **THIRTIETH CAUSE FOR DISCIPLINE**

24 **(Fraud)**

25 70. Respondent Smog Station's registration is subject to discipline pursuant to Code
26 section 9884.7(a)(4), in that on or about January 8, 2014, regarding the 2000 Toyota, Respondent
27 Smog Station committed acts that constitute fraud, as follows:

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1 a. Respondent Smog Station obtained payment from the operator for performing the
2 applicable inspections and adjustments on the vehicle's brake and lamp systems as specified by
3 the Bureau and in accordance with the Vehicle Code when, in fact, Respondent Smog Station
4 failed to perform the necessary inspections.

5 **THIRTY-FIRST CAUSE FOR DISCIPLINE**

6 **(Gross Negligence)**

7 71. Respondent Smog Station's registration is subject to discipline under Code section
8 9884.7(a)(5), in that on or about January 8, 2014, regarding the 2000 Toyota, Respondent Smog
9 Station committed acts constituting gross negligence, in that Respondent Dadvash, failed to
10 properly inspect the vehicle's brake and lamp systems and issued Brake Certificate [REDACTED]
11 and Lamp Certificate Number [REDACTED], indicating that the vehicle's brake and lamp systems
12 were in satisfactory condition and were in accordance with the Vehicle Code when, in fact, they
13 were not.

14 **THIRTY-SECOND CAUSE FOR DISCIPLINE**

15 **(Failure to Provide a Copy of a Signed Document)**

16 72. Respondent Smog Station's registration is subject to discipline under Code section
17 9884.7(a)(3), in that on or about January 8, 2014, regarding the 2000 Toyota, Respondent Smog
18 Station failed to provide the operator with a copy of the estimate as soon as the operator signed
19 the document.

20 **THIRTY-THIRD CAUSE FOR DISCIPLINE**

21 **(Failure to Comply with the Code)**

22 73. Respondent Smog Station's registration is subject to discipline pursuant to Code
23 section 9884.7(a)(6), in that on or about January 8, 2014, regarding the 2000 Toyota, Respondent
24 Smog Station failed to comply with provisions of that Code in the following material respects:

25 a. **Section 9884.9(a):** Respondent Smog Station failed to provide the operator with a
26 written estimated price for parts and labor for a specific job.

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b. Section 9889.16:

i. Respondent Dadvash issued Brake Certificate Number [REDACTED] for the vehicle, when the vehicle was not in compliance with Bureau regulations or the requirements of the Vehicle Code, in that the right and left rear brake drums were out of manufacturer's specifications.

ii. Respondent Dadvash issued Lamp Certificate Number [REDACTED] for the vehicle, when the vehicle was not in compliance with Bureau regulations or the requirements of the Vehicle Code, in that the driver's side headlamp had not been adjusted and was out of manufacturer's specification. In addition, the vehicle's driver's side headlamp was out of adjustment and the rear license plate light bulbs were inoperative.

THIRTY-FOURTH CAUSE FOR DISCIPLINE

(Failure to Comply with Regulations)

74. Respondent Smog Station's registration is subject to discipline pursuant to Code section 9884.7(a)(6), in that on or about January 8, 2014, regarding the 2000 Toyota, Respondent Smog Station failed to comply with provisions of California Code of Regulations, title 16, in the following material respects:

a. Section 3305(a): Respondent Dadvash failed to perform a brake and lamp inspection in accordance with the vehicle's manufacturer standards and/or current standards, specifications, recommended procedures, and/or directives issued by the Bureau.

b. Section 3316(d)(2): Respondent Dadvash issued Lamp Certificate Number [REDACTED], certifying that the vehicle's lamp system had been inspected and was in satisfactory condition when, in fact, it was not.

c. Section 3321(c)(2): Respondent Dadvash issued Brake Certificate Number [REDACTED], certifying that the vehicle's brake system had been inspected and was in satisfactory condition when, in fact, it was not.

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1 **THIRTY-FIFTH CAUSE FOR DISCIPLINE**

2 **(Failure to Comply with the Code)**

3 75. Respondent Smog Station's brake and lamp station licenses are subject to discipline
4 under Code section 9889.3(a) and (h), in that on or about January 8, 2014, regarding the 2000
5 Toyota, Respondent Smog Station violated sections of the Code, relating to its licensed activities,
6 as more particularly set forth above in paragraph 73.

7 **THIRTY-SIXTH CAUSE FOR DISCIPLINE**

8 **(Failure to Comply with Regulations)**

9 76. Respondent Smog Station's brake and lamp station licenses are subject to discipline
10 under Code section 9889.3(c), in that on or about January 8, 2014, regarding the 2000 Toyota,
11 Respondent Smog Station failed to comply with provisions of California Code of Regulations,
12 title 16, as more particularly set forth above in paragraph 74.

13 **THIRTY-SEVENTH CAUSE FOR DISCIPLINE**

14 **(Dishonesty, Fraud, or Deceit)**

15 77. Respondent Smog Station's brake and lamp station licenses are subject to discipline
16 pursuant to Code section 9889.3(d), in that on or about January 8, 2014, regarding the 2000
17 Toyota, Respondent Smog Station committed acts involving dishonesty, fraud, or deceit whereby
18 another was injured, as more particularly set forth above in paragraphs 67 and 68.

19 **THIRTY-EIGHTH CAUSE FOR DISCIPLINE**

20 **(Failure to Comply with the Code)**

21 78. Respondent Dadvash's brake and lamp adjuster licenses are subject to discipline
22 under Code section 9889.3(a), in that on or about January 8, 2014, regarding the 2000 Toyota,
23 Respondent Dadvash violated sections of the Code, relating to his licensed activities, as more
24 particularly set forth above in paragraph 73.

25 **THIRTY-NINTH CAUSE FOR DISCIPLINE**

26 **(Failure to Comply with Regulations)**

27 79. Respondent Dadvash's brake and lamp adjuster licenses are subject to discipline
28 under Code section 9889.3(c), in that on or about November 5, 2013, regarding the 2000,

1 Respondent Dadvash failed to comply with provisions of California Code of Regulations, title 16,
2 as more particularly set forth above in paragraph 74.

3 **FORTIETH CAUSE FOR DISCIPLINE**

4 **(Acts Involving Dishonesty, Fraud, or Deceit - Adjuster Licenses)**

5 80. Respondent Dadvash's brake and lamp adjuster licenses are subject to discipline
6 under Code section 9889.3(d), in that on or January 8, 2014, regarding the 2000 Toyota,
7 Respondent Dadvash committed acts involving dishonesty, fraud, or deceit, by issuing Brake
8 Certificate Number [REDACTED] and Lamp Certificate Number [REDACTED], certifying that the
9 brake and lamp systems were in satisfactory condition and in accordance with the Vehicle Code,
10 when, in fact, they were not.

11 **OTHER MATTERS**

12 81. Pursuant to Code section 9884.7(c), the director may suspend, revoke, or place on
13 probation the registrations for all places of business operated in this state by Gholam Reza
14 Dadvash, owner, dba Smog Check Station, upon a finding that he has, or is, engaged in a course
15 of repeated and willful violation of the laws and regulations pertaining to an automotive repair
16 dealer.

17 82. Pursuant to Code section 9889.9, if Lamp Station License Number LS 196100, issued
18 to Gholam Reza Dadvash, owner, dba Smog Check Station, is revoked or suspended, any
19 additional license issued under Articles 5 and 6 of Chapter 20.3 of the Business and Professions
20 Code in the name of said licensees may be likewise revoked or suspended by the director.

21 83. Pursuant to Code section 9889.9, if Brake Station License Number BS 196100, issued
22 to Gholam Reza Dadvash, owner, dba Smog Check Station, is revoked or suspended, any
23 additional license issued under Articles 5 and 6 of Chapter 20.3 of the Business and Professions
24 Code in the name of said licensees may be likewise revoked or suspended by the director.

25 84. Pursuant to Code section 9889.9, if Brake Adjuster License Number BA 125142,
26 issued to Gholam Reza Dadvash, is revoked or suspended, any additional license issued under
27 Articles 5 and 6 of Chapter 20.3 of the Business and Professions Code in the name of said
28 licensee may be likewise revoked or suspended by the director.

1 85. Pursuant to Code section 9889.9, if Lamp Adjuster License Number LA 125142,
2 issued to Gholam Reza Dadvash, is revoked or suspended, any additional license issued under
3 Articles 5 and 6 of Chapter 20.3 of the Business and Professions Code in the name of said
4 licensee may be likewise revoked or suspended by the director.

5 PRAYER

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

8 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
9 196100, issued to Gholam Reza Dadvash, owner, dba Smog Check Station;

10 2. Revoking, suspending, or placing on probation any other automotive repair dealer
11 registration issued to Gholam Reza Dadvash, owner, dba Smog Check Station;

12 3. Revoking or suspending any additional license issued under chapter 5, of the Health
13 and Safety Code in the name of Gholam Reza Dadvash, owner, dba Smog Check Station;

14 4. Revoking or suspending Brake Station License Number BS 196100, issued to Gholam
15 Reza Dadvash, owner, dba Smog Check Station;

16 5. Revoking or suspending Lamp Station License Number LS 196100, issued to Gholam
17 Reza Dadvash, owner, dba Smog Check Station;

18 6. Revoking or suspending any additional license issued under Articles 5 and 6 of
19 Chapter 20.3 of the Business and Professions Code in the name of Gholam Reza Dadvash, owner,
20 dba Smog Check Station;

21 7. Revoking or suspending Brake Adjuster License Number BA 125142, issued to
22 Gholam Reza Dadvash;

23 8. Revoking or suspending Lamp Adjuster License Number LA 125142, issued to
24 Gholam Reza Dadvash;

25 9. Revoking or suspending any additional license issued under Chapter 5 of the Health
26 and Safety Code in the name of Gholam Reza Dadvash;


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10. Ordering Gholam Reza Dadvash, owner, dba Smog Check Station and Gholam Reza Dadvash 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

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

DATED: May 6, 2015 

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

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