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8  
9 **BEFORE THE**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
10 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**  
11 **STATE OF CALIFORNIA**  
12

13 In the Matter of the Accusation Against:

Case No. 77/19-17944

14 **VAROOJ AGHAZARIAN-**  
**President/Secretary/Treasurer-**  
15 **VAROOJ & SONS INC DBA**  
**AYA SMOG AND AUTO REPAIR**  
16 **14152 Oxnard St**  
**Van Nuys, CA 91401**  
17 **Automotive Repair Dealer Registration No.**  
**ARD 232315**  
18 **Smog Check Station License No. RC 232315**  
**Lamp Station License No. LS 232315,**  
19 **Class A**  
**Brake Station License No. BS 232315,**  
20 **Class C**

**ACCUSATION**

21 **and**

22 **VAROOJ AGHAZARIAN**  
**14152 Oxnard St.**  
23 **Van Nuys, CA 91401**  
**MAILING ADDRESS**  
24 **509 W. Wilson Ave.**  
**Glendale, CA 91203**  
25 **Smog Check Inspector License No. EO**  
**138125**  
26 **Smog Check Repair Technician License No.**  
**EI 138125**  
27 **Brake Adjuster License No. BA 138125,**  
**Class C**  
28 **Lamp Adjuster License No. LA 138125,**

1 **Class A**

2 Respondents.

3  
4 **PARTIES**

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

7 **Varooj Aghazarian-President/Secretary/Treasurer-Varooj & Sons Inc dba Aya Smog**  
8 **and Auto Repair**

9 **Automotive Repair Dealer Registration**

10 2. In 2004, the Bureau issued Automotive Repair Dealer Registration Number ARD  
11 232315 (“registration”) to Varooj Aghazarian-President/Secretary/Treasurer-Varooj & Sons Inc  
12 dba Aya Smog and Auto Repair (“Respondent Aya Smog”). The Automotive Repair Dealer  
13 Registration was in full force and effect at all times relevant to the charges brought herein and  
14 will expire on February 28, 2021, unless renewed.

15 **Smog Check Station License**

16 3. On or about April 9, 2004, the Bureau issued Smog Check Station License Number  
17 RC 232315 (“station license”) to Respondent Aya Smog. The Smog Check Station License was  
18 in full force and effect at all times relevant to the charges brought herein and will expire on  
19 February 28, 2021, unless renewed.

20 **STAR Station Certification**

21 4. On or about January 1, 2013, the Bureau certified Aya Smog and Auto Repair as a  
22 STAR Station. The certification will remain active unless ARD 232315 and/or RC 232315 is  
23 revoked, canceled, become delinquent, or the certification is invalidated.

24 **Lamp Station License**

25 5. On or about July 21, 2004, the Bureau issued Lamp Station License Number LS  
26 232315, Class A to Respondent Aya Smog. The Lamp Station License was in full force and  
27 effect at all times relevant to the charges brought herein and will expire on February 28, 2021,  
28 unless renewed.

1           **Brake Station License**

2           6.     On or about July 21, 2004, the Bureau issued Brake Station License Number BS  
3 232315, Class C to Respondent Aya Smog. The Brake Station License was in full force and  
4 effect at all times relevant to the charges brought herein and will expire on February 28, 2021,  
5 unless renewed.

6           **Varooj Aghazarian**

7           **Smog Check Inspector License**

8           7.     On June 20, 2013, the Bureau issued Smog Check Inspector License Number EO  
9 138125 ("inspector license") to Varooj Aghazarian ("Respondent Aghazarian"). The Smog  
10 Check Inspector License was in full force and effect at all times relevant to the charges brought  
11 herein and will expire on August 31, 2021, unless renewed.

12           **Smog Check Repair Technician License**

13           8.     On June 20, 2013, the Bureau issued Smog Check Repair Technician License  
14 Number EI 138125 ("repair technician license") to Respondent Aghazarian. The Smog Check  
15 Repair Technician License was in full force and effect at all times relevant to the charges brought  
16 herein and will expire on August 31, 2021, unless renewed.

17           **Brake Adjuster License**

18           9.     In 2001, the Bureau issued Brake Adjuster Number BA 138125, Class C to  
19 Respondent Aghazarian. The Brake Adjuster was in full force and effect at all times relevant to  
20 the charges brought herein and will expire on August 31, 2023, unless renewed.

21           **Lamp Adjuster License**

22           10.    In 2001, the Bureau issued Lamp Adjuster License Number LA 138125, Class A to  
23 Respondent Aghazarian. The Lamp Adjuster License was in full force and effect at all times  
24 relevant to the charges brought herein and will expire on August 31, 2023, unless renewed.

25                           **JURISDICTION**

26           11.    This Accusation is brought before the Director of the Department of Consumer  
27 Affairs ("Director") for the Bureau of Automotive Repair, under the authority of the following  
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

1           12. Business and Professions Code ("Code") section 9884.7 provides that the director  
2 may revoke an automotive repair dealer registration.

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

7           14. Section 9889.1 of the Code states:

8           "Any license issued pursuant to Articles 5 and 6 [commencing with section 9887.1 of the  
9 Automotive Repair Act], may be suspended or revoked by the director. The director may refuse  
10 to issue a license to any applicant for the reasons set forth in Section 9889.2. The proceedings  
11 under this article shall be conducted in accordance with Chapter 5 (commencing with Section  
12 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the director shall have all  
13 the powers granted therein."

14           15. 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           16. Section 44072.2 of the Health and Safety Code states:

18           "The director may suspend, revoke, or take other disciplinary action against a license as  
19 provided in this article if the licensee, or any partner, officer, or director thereof, does any of the  
20 following:

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

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

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

27           "When a license has been revoked or suspended following a hearing under this  
28 article, any additional license issued under this chapter in the name of the licensee may be

1 likewise revoked or suspended by the director.”

2 19. California Code of Regulations, title 16, section 3340.28(e), states that “[u]pon  
3 renewal of an unexpired Basic Area Technician license or an Advanced Emission Specialist  
4 Technician license issued prior the effective date of this regulation, the licensee may apply to  
5 renew as a Smog Check Inspector, Smog Check Repair Technician, or both.”

### 6 **STATUTORY PROVISIONS**

7 20. Section 9884.7 of the Code states:

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

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

16 . . . .

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

19 “(4) Any other conduct which constitutes fraud.

20 “(5) Conduct constituting gross negligence.

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

23 21. Section 9884.9 of the Code states:

24 “(a) The automotive repair dealer shall give to the customer a written estimated price for  
25 labor and parts necessary for a specific job. No work shall be done and no charges shall accrue  
26 before authorization to proceed is obtained from the customer. No charge shall be made for work  
27 done or parts supplied in excess of the estimated price without the oral or written consent of the  
28 customer that shall be obtained at some time after it is determined that the estimated price is

1 insufficient and before the work not estimated is done or the parts not estimated are supplied.  
2 Written consent or authorization for an increase in the original estimated price may be provided  
3 by electronic mail or facsimile transmission from the customer. The bureau may specify in  
4 regulation the procedures to be followed by an automotive repair dealer if an authorization or  
5 consent for an increase in the original estimated price is provided by electronic mail or facsimile  
6 transmission. If that consent is oral, the dealer shall make a notation on the work order of the  
7 date, time, name of person authorizing the additional repairs and telephone number called, if any,  
8 together with a specification of the additional parts and labor and the total additional cost, and  
9 shall do either of the following:

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

12 A(2) Upon completion of the repairs, obtain the customer's signature or initials to an  
13 acknowledgment of notice and consent, if there is an oral consent of the customer to additional  
14 repairs, in the following language:

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

16 \_\_\_\_\_

17 (signature or initials)"

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

20 22. Section 9889.1 of the Code states:

21 "Any license issued pursuant to Articles 5 and 6 [commencing with section 9887.1 of the  
22 Automotive Repair Act], may be suspended or revoked by the director. The director may refuse  
23 to issue a license to any applicant for the reasons set forth in Section 9889.2. The proceedings  
24 under this article shall be conducted in accordance with Chapter 5 (commencing with Section  
25 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the director shall have all  
26 the powers granted therein."

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1 **UNDERCOVER OPERATION NO. 1: 2007 NISSAN**

2 31. On November 18, 2019, an undercover operator of the Bureau ("operator") took the  
3 Bureau's 2007 Nissan vehicle to Respondent Aya Smog's facility and requested a brake and lamp  
4 inspection. The vehicle defects included a brake system with the left front brake rotor and the  
5 right rear brake rotor worn beyond the manufacturer's specification.

6 32. At 1315 hours, the operator arrived at Respondent Aya Smog's facility and requested  
7 a brake and lamp inspection be performed on the 2007 Nissan. The operator observed a male  
8 individual look over the 2007 Nissan. During the inspection, the operator observed that the 2007  
9 Nissan was lifted up on a hoist and the wheels were removed. During the inspection process, the  
10 vehicle was taken on a test drive. After the inspection, the operator paid \$77.00 and signed and  
11 received Invoice Number 30339, Certificate of Compliance – Brake Adjustment Number BA  
12 3161719 and Certificate of Compliance – Lamp Adjustment Number LA 3120989.

13 33. On November 22, 2019, a Bureau Representative re-inspected the vehicle and found  
14 that the left front brake rotor and the right rear brake rotor were worn beyond the manufacturer's  
15 specification.

16 **FIRST CAUSE FOR DISCIPLINE**

17 **(Untrue and Misleading Statement)**

18 34. Respondent Aya Smog's registration is subject to discipline under Code section  
19 9884.7, subdivision (a)(1) and California Code of Regulation, title 16, section 3373, in that on or  
20 about November 18, 2019, regarding the 2007 Nissan vehicle, Respondent Aya Smog made or  
21 authorized statements which it knew or in the exercise of reasonable care should have known to  
22 be untrue or misleading, as follows:

23 b. Respondent Aya Smog certified under penalty of perjury on Brake Certificate  
24 Number BA 3161719 that the left front brake rotor and the right rear brake rotor were within  
25 manufacturer's specification, as more particularly set forth above in paragraphs 31, 32 and 33.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Fraud)**

3 35. Respondent Aya Smog's registration is subject to discipline pursuant to Code section  
4 9884.7, subdivision (a)(4), in that on or about November 18, 2019, regarding the 2007 Nissan  
5 vehicle, Respondent Aya Smog committed acts that constitute fraud, as follows:

6 a. Respondent Aya Smog obtained payment from the operator for performing the  
7 applicable inspections and adjustments on the vehicle's brake system as specified by the Bureau  
8 and in accordance with the Vehicle Code when, in fact, Respondent Aya Smog failed to perform  
9 the necessary inspections, as more particularly set forth above in paragraphs 31, 32 and 33.

10 **THIRD CAUSE FOR DISCIPLINE**

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

12 36. Respondent Aya Smog's brake and lamp station licenses are subject to discipline  
13 pursuant to Code section 9889.3, subdivision (d), in that on November 18, 2019, regarding the  
14 2007 Nissan vehicle, Respondent Aya Smog committed acts involving dishonesty, fraud, or  
15 deceit whereby another was injured, as more particularly set forth above in paragraphs 31, 32, 33  
16 and 35.

17 **FOURTH CAUSE FOR DISCIPLINE**

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

19 37. Respondent Aya Smog's station license is subject to discipline pursuant to Health and  
20 Safety Code section 44072.2, subdivision (d), in that on or November 18, 2019, regarding the  
21 2007 Nissan vehicle, Respondent Aya Smog committed acts involving dishonesty, fraud, or  
22 deceit whereby another was injured, as more particularly set forth above in paragraphs, 31, 32, 33  
23 and 35.

24 **FIFTH CAUSE FOR DISCIPLINE**

25 **(Gross Negligence)**

26 38. Respondent Aya Smog's registration is subject to discipline under Code section  
27 9884.7, subdivision (a)(5), in that on or about November 18, 2019, regarding the 2007 Nissan  
28 vehicle, Respondent Aya Smog committed acts constituting gross negligence, in that

Respondent's adjuster, Respondent Aghazarian, failed to properly inspect the vehicle's brake system and issued Brake Certificate BA 3161719, indicating that the vehicle's brake system was in satisfactory condition and were in accordance with the Vehicle Code when, in fact, they were not, as more particularly set forth above in paragraphs 31, 32 and 33.

#### **SIXTH CAUSE FOR DISCIPLINE**

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

39. Respondent Aya Smog's registration is subject to discipline pursuant to Code section, subdivision 9884.7(a)(6), in that on or about November 18, 2019, regarding the 2007 Nissan vehicle, Respondent Aya Smog failed to comply with provisions of that Code in the following material respects:

a. **Section 9889.16:** Respondent Aghazarian issued Brake Certificate Number BA 3161719 for the vehicle, when the vehicle was not in compliance with Bureau regulations or the requirements of the Vehicle Code, in that the left front brake rotor and the right rear brake rotor were out of the manufacturer's specification, as more particularly set forth above in paragraphs 31, 32 and 33.

#### **SEVENTH CAUSE FOR DISCIPLINE**

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

40. Respondent Aya Smog's registration is subject to discipline pursuant to Code section 9884.7, subdivision (a)(6), in that on or about November 18, 2019, regarding the 2007 Nissan vehicle, Respondent Aya Smog failed to comply with provisions of California Code of Regulations, title 16, in the following material respects:

a. **Section 3305, subdivision (a):** Respondent Aghazarian failed to perform a brake inspection in accordance with the vehicle's manufacturer standards and/or current standards, specifications, recommended procedures, and/or directives issued by the Bureau, as more particularly set forth above in paragraphs 31, 32 and 33.

b. **Section 3321, subdivision (c)(2):** Respondent Aghazarian issued Brake Certificate Number BA 3161719, certifying that the vehicle's brake system had been inspected

1 and was in satisfactory condition when, in fact, it was not, as more particularly set forth above in  
2 paragraphs 31, 32 and 33.

3 **EIGHTH CAUSE FOR DISCIPLINE**

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

5 41. Respondent Aya Smog's brake station license is subject to discipline under Code  
6 section 9889.3, subdivision (a), in that on or about November 18, 2019, regarding the 2007  
7 Nissan vehicle, Respondent Aya Smog violated sections of the Code, relating to its licensed  
8 activities, as more particularly set forth above in paragraph 31, 32, 33 and 38.

9 **NINTH CAUSE FOR DISCIPLINE**

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

11 42. Respondent Aghazarian's brake and lamp adjuster licenses are subject to discipline  
12 under Code section 9889.3, subdivision (a), in that on or about November 18, 2019, regarding the  
13 2007 Nissan vehicle, Respondent Aghazarian violated sections of the Code, relating to his  
14 licensed activities, as more particularly set forth above in paragraph 31, 32, 33 and 39.

15 **TENTH CAUSE FOR DISCIPLINE**

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

17 43. Respondent Aghazarian's brake and lamp adjuster licenses are subject to discipline  
18 under Code section 9889.3, subdivision (c), in that on or about November 18, 2019, regarding the  
19 2007 Nissan vehicle, Respondent Aghazarian failed to comply with provisions of California Code  
20 of Regulations, title 16, as more particularly set forth above in paragraph 31, 32, 33 and 40.

21 **ELEVENTH CAUSE FOR DISCIPLINE**

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

23 44. Respondent Aghazarian's brake and lamp adjuster licenses are subject to discipline  
24 under Code section 9889.3, subdivision (d), in that on or November 18, 2019, regarding the 2007  
25 Nissan vehicle, Respondent Aghazarian committed acts involving dishonesty, fraud, or deceit, by  
26 issuing Brake Certificate Number BA 3161719, certifying that the brake system was in  
27 satisfactory condition and in accordance with the Vehicle Code, when, in fact, they were not, as  
28 more particularly set forth above in paragraphs 31, 32 and 33.

1 **TWELFTH CAUSE FOR DISCIPLINE**

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

3 45. Respondent Aghazarian's inspector license and repair technician license are subject to  
4 discipline pursuant to Health and Safety Code section 44072.2, subdivision (d), in that on or  
5 November 18, 2019, regarding the 2007 Nissan vehicle, Respondent Aghazarian committed acts  
6 involving dishonesty, fraud, or deceit whereby another was injured, as more particularly set forth  
7 above in paragraphs 31, 32, 33 and 44.

8 **UNDERCOVER OPERATION NO. 2: 2004 TOYOTA**

9 46. On January 21, 2020, an undercover operator of the Bureau ("operator") took the  
10 Bureau's 2004 Toyota vehicle to Respondent Aya Smog's facility and requested a brake and lamp  
11 inspection. The vehicle defects included a brake system with the left front brake rotor and the  
12 right rear brake rotor worn beyond the manufacturer's specification.

13 47. At 1042 hours, the operator arrived at Respondent Aya Smog's facility and requested  
14 a brake and lamp inspection be performed on the 2004 Toyota. The operator signed an estimate  
15 and received a copy. However, the operator did not notice that the estimate recorded a smog  
16 inspection instead of the brake and lamp inspection that she requested. The operator observed a  
17 male individual looked over the vehicle. The operator observed that the 2004 Toyota was not  
18 lifted up on a hoist and none of the wheels were removed. During the inspection process, the  
19 lights were not turned on. The operator observed that the vehicle was not taken on a test drive.  
20 After the inspection, the operator paid \$55.00 and received a Vehicle Inspection Report ("VIR").

21 48. At 1103 hours, a Bureau Representative met with the operator at an undisclosed  
22 location in Van Nuys. The Bureau Representative directed the operator to return to Respondent  
23 Aya Smog's facility and again request a brake and lamp inspection.

24 49. At 1113 hours, the operator arrived at Respondent Aya Smog's facility and requested  
25 a brake and lamp inspection be performed on the 2004 Toyota. The operator was provided a  
26 verbal estimate for an additional \$35.00 to perform a brake and lamp inspection. The operator  
27 did not sign an estimate before the inspections began. The operator observed a male individual  
28 looked over the 2004 Toyota. During the inspection, the operator observed that the 2004 Toyota

1 was not lifted up on a hoist and none of the wheels were removed. During the inspection process,  
2 the lights were not turned on and the vehicle was not taken on a test drive. After the inspection,  
3 the operator paid \$35.00 and she did not receive an invoice. The operator received a Certificate  
4 of Compliance – Brake Adjustment Number BA 3195309 and Certificate of Compliance – Lamp  
5 Adjustment Number LA 3153729.

6 50. On February 7, 2020, a Bureau representative re-inspected the vehicle and found that  
7 the left front brake rotor and the right rear brake rotor were worn beyond the manufacturer's  
8 specification.

### 9 **THIRTEENTH CAUSE FOR DISCIPLINE**

#### 10 **(Untrue and Misleading Statement)**

11 51. Respondent Aya Smog's registration is subject to discipline under Code section  
12 9884.7, subdivision (a)(1) and California Code of Regulation, title 16, section 3373, in that on or  
13 about January 21, 2020, regarding the 2004 Toyota vehicle, Respondent Aya Smog made or  
14 authorized statements which it knew or in the exercise of reasonable care should have known to  
15 be untrue or misleading, as follows:

16 a. Respondent Aya Smog certified under penalty of perjury on Brake Certificate  
17 Number BA 3195309 that the applicable inspection was performed on the brake system when, in  
18 fact, Respondent Aya Smog's adjuster, Respondent Aghazarian, failed to inspect the brake system  
19 on the vehicle, as evidenced by his failure to remove the four (4) wheels, as more particularly set  
20 forth above in paragraphs 46, 47, 48, 49 and 50.

21 b. Respondent Aya Smog certified under penalty of perjury on Brake Certificate  
22 Number BA 3195309 that the left front brake rotor and the right rear brake rotor were within  
23 manufacturer's specification, as more particularly set forth above in paragraphs 46, 47, 48, 49 and  
24 50.

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1 **FOURTEENTH CAUSE FOR DISCIPLINE**

2 **(Fraud)**

3 52. Respondent Aya Smog's registration is subject to discipline pursuant to Code section  
4 9884.7, subdivision (a)(4), in that on or about January 21, 2020, regarding the 2004 Toyota  
5 vehicle, Respondent Aya Smog committed acts that constitute fraud, as follows:

6 a. Respondent Aya Smog obtained payment from the operator for performing the  
7 applicable inspections and adjustments on the vehicle's brake system as specified by the Bureau  
8 and in accordance with the Vehicle Code when, in fact, Respondent Aya Smog failed to perform  
9 the necessary inspections, as more particularly set forth above in paragraphs 46, 47, 48, 49 and  
10 50.

11 **FIFTEENTH CAUSE FOR DISCIPLINE**

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

13 53. Respondent Aya Smog's brake and lamp station licenses are subject to discipline  
14 pursuant to Code section 9889.3, subdivision (d), in that on or about January 21, 2020, regarding  
15 the 2004 Toyota vehicle, Respondent Aya Smog committed acts involving dishonesty, fraud, or  
16 deceit whereby another was injured, as more particularly set forth above in paragraphs 46, 47, 48,  
17 49, 50 and 52.

18 **SIXTEENTH CAUSE FOR DISCIPLINE**

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

20 54. Respondent Aya Smog's station license is subject to discipline pursuant to Health and  
21 Safety Code section 44072.2, subdivision (d), in that on or about January 21, 2020, regarding the  
22 2004 Toyota vehicle, Respondent Aya Smog committed acts involving dishonesty, fraud, or  
23 deceit whereby another was injured, as more particularly set forth above in paragraphs 46, 47, 48,  
24 49, 50 and 52.

25 **SEVENTEENTH CAUSE FOR DISCIPLINE**

26 **(Gross Negligence)**

27 55. Respondent Aya Smog's registration is subject to discipline under Code section  
28 9884.7, subdivision (a)(5), in that on or about January 21, 2020, regarding the 2004 Toyota

1 vehicle, Respondent Aya Smog committed acts constituting gross negligence, in that  
2 Respondent's adjuster, Respondent Aghazarian, failed to properly inspect the vehicle's brake  
3 system and issued Brake Certificate BA 3195309, indicating that the vehicle's brake system was  
4 in satisfactory condition and were in accordance with the Vehicle Code when, in fact, they were  
5 not, as more particularly set forth above in paragraphs 46, 47, 48, 49 and 50.

6 **EIGHTEENTH CAUSE FOR DISCIPLINE**

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

8 56. Respondent Aya Smog's registration is subject to discipline under Code section  
9 9884.7, subdivision (a)(3) and California Code of Regulation, title 16, section 3353, subdivision  
10 (a), in that on or about January 21, 2020, regarding the 2004 Toyota vehicle, Respondent Aya  
11 Smog failed to provide the operator with an estimate, as more particularly set forth above in  
12 paragraphs 46, 47, 48, 49 and 50.

13 **NINETEENTH CAUSE FOR DISCIPLINE**

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

15 57. Respondent Aya Smog's registration is subject to discipline pursuant to Code section,  
16 subdivision 9884.7(a)(6), in that on or about January 21, 2020, regarding the 2004 Toyota  
17 vehicle, Respondent Aya Smog failed to comply with provisions of that Code in the following  
18 material respects:

19 a. **Section 9884.9, subdivision (a):** Respondent Aya Smog failed to provide the  
20 operator with a written estimated price for parts and labor for a specific job, as more particularly  
21 set forth above in paragraphs 46, 47, 48, 49 and 50.

22 b. **Section 9889.16:**

23 i. Respondent Aghazarian issued Brake Certificate Number BA 3195309 for the  
24 vehicle, when the vehicle was not in compliance with Bureau regulations or the requirements of  
25 the Vehicle Code, in that the left front brake rotor and the right rear brake rotor were out of the  
26 manufacturer's specification, as more particularly set forth above in paragraphs 46, 47, 48, 49 and  
27 50.

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1 **TWENTIETH CAUSE FOR DISCIPLINE**

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

3 58. Respondent Aya Smog's registration is subject to discipline pursuant to Code section  
4 9884.7, subdivision (a)(6), in that on or about January 21, 2020, regarding the 2004 Toyota  
5 vehicle, Respondent Aya Smog failed to comply with provisions of California Code of  
6 Regulations, title 16, in the following material respects:

7 a. **Section 3305, subdivision (a):** Respondent Aghazarian failed to perform a brake  
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, as more  
10 particularly set forth above in paragraphs 46, 47, 48, 49 and 50.

11 b. **Section 3321, subdivision (c)(2):** Respondent Aghazarian issued Brake Certificate  
12 Number BA 3195309, certifying that the vehicle's brake system had been inspected and was in  
13 satisfactory condition when, in fact, it was not, as more particularly set forth above in paragraphs  
14 46, 47, 48, 49 and 50.

15 **TWENTY-FIRST CAUSE FOR DISCIPLINE**

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

17 59. Respondent Aya Smog's brake and lamp station licenses are subject to discipline  
18 under Code section 9889.3, subdivision (a), in that on or about January 21, 2020, regarding the  
19 2004 Toyota vehicle, Respondent Aya Smog violated sections of the Code, relating to its licensed  
20 activities, as more particularly set forth above in paragraphs 46, 47, 48, 49, 50 and 55.

21 **TWENTY-SECOND CAUSE FOR DISCIPLINE**

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

23 60. Respondent Aya Smog's brake and lamp station licenses are subject to discipline  
24 under Code section 9889.3, subdivision (c), in that on or about January 21, 2020, regarding the  
25 2004 Toyota vehicle, Respondent Aya Smog failed to comply with provisions of California Code  
26 of Regulations, title 16, as more particularly set forth above in paragraphs 46, 47, 48, 49, 50 and  
27 56.

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**TWENTY-THIRD CAUSE FOR DISCIPLINE**

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

61. Respondent Aya Smog's brake and lamp station licenses are subject to discipline under Code section 9889.3, subdivisions (a) and (h), in that on or about January 21, 2020, regarding the 2004 Toyota vehicle, Respondent Aya Smog violated Code section 9889.16 relating to his licensed activities, as more particularly set forth above in paragraphs 46, 47, 48, 49, 50 and 56.

**TWENTY-FOURTH CAUSE FOR DISCIPLINE**

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

62. Respondent Aghazarian's brake and lamp adjuster licenses are subject to discipline under Code section 9889.3, subdivision (a), in that on or about January 21, 2020, regarding the 2004 Toyota vehicle, Respondent Aghazarian violated sections of the Code, relating to his licensed activities, as more particularly set forth above in paragraphs 46, 47, 48, 49, 50 and 57.

**TWENTY-FIFTH CAUSE FOR DISCIPLINE**

**(Failure to Comply with Regulations)**

63. Respondent Aghazarian's brake and lamp adjuster licenses are subject to discipline under Code section 9889.3, subdivision (c), in that on or January 21, 2020, regarding the 2004 Toyota vehicle, Respondent Aghazarian failed to comply with provisions of California Code of Regulations, title 16, as more particularly set forth above in paragraphs 46, 47, 48, 49, 50 and 58.

**TWENTY-SIXTH CAUSE FOR DISCIPLINE**

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

64. Respondent Aghazarian's brake and lamp adjuster licenses are subject to discipline under Code section 9889.3, subdivision (d), in that on or January 21, 2020, regarding the 2004 Toyota vehicle, Respondent Aghazarian committed acts involving dishonesty, fraud, or deceit, by issuing Brake Certificate Number BA 3195309, certifying that the brake system was in satisfactory condition and in accordance with the Vehicle Code, when, in fact, they were not.

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1 **TWENTY-SEVENTH CAUSE FOR DISCIPLINE**

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

3 65. Respondent Aghazarian's inspector license and repair technician license are subject to  
4 discipline pursuant to Health and Safety Code section 44072.2, subdivision (d), in that on or  
5 January 21, 2020, regarding the 2004 Toyota vehicle, Respondent Aghazarian committed acts  
6 involving dishonesty, fraud, or deceit whereby another was injured, as more particularly set forth  
7 above in paragraphs 46, 47, 48, 49, 50 and 64.

8 **OTHER MATTERS**

9 66. Pursuant to Code section 9884.7, subdivision (c), the director may suspend, revoke,  
10 or place on probation the registrations for all places of business operated in this state by Varooj  
11 Aghazarian, upon a finding that he has, or is, engaged in a course of repeated and willful violation  
12 of the laws and regulations pertaining to an automotive repair dealer.

13 67. Pursuant to Health and Safety Code section 44072.8, if Smog Check Station License  
14 Number RC 232315 issued to Varooj Aghazarian-President/Secretary/Treasurer-Varooj & Sons  
15 Inc dba Aya Smog and Auto Repair, is revoked or suspended, any additional license issued under  
16 Chapter 5 of Part 5 of Div 26 of the Health and Safety Code in the name of said licensee may be  
17 likewise revoked or suspended by the director.

18 68. Pursuant to Code section 9889.9, if Lamp Station License Number LS 232315, Class  
19 A, issued to Varooj Aghazarian-President/Secretary/Treasurer-Varooj & Sons Inc dba Aya Smog  
20 and Auto Repair, is revoked or suspended, any additional license issued under Articles 5 and 6 of  
21 Chapter 20.3 of Division 3 of the Business and Professions Code in the name of said licensees  
22 may be likewise revoked or suspended by the director.

23 69. Pursuant to Code section 9889.9, if Brake Station License Number BS 232315, Class  
24 C, issued to Varooj Aghazarian-President/Secretary/Treasurer-Varooj & Sons Inc dba Aya Smog  
25 and Auto Repair, is revoked or suspended, any additional license issued under Articles 5 and 6 of  
26 Chapter 20.3 of Division 3 of the Business and Professions Code in the name of said licensees  
27 may be likewise revoked or suspended by the director.

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70. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector License No. EO 138125 and Smog Check Repair Technician License Number EI 138125, issued to Varooj Aghazarian, are revoked or suspended, any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of said licensee may be likewise revoked or suspended by the director.

71. Pursuant to Code section 9889.9, if Brake Adjuster License Number BA 138125, Class C, issued to Varooj Aghazarian, is revoked or suspended, any additional license issued under Articles 5 and 6 of Chapter 20.3 of Division 3 of the Business and Professions Code in the name of said licensee may be likewise revoked or suspended by the director.

72. Pursuant to Code section 9889.9, if Lamp Adjuster License Number LA 138125, Class A, issued to Varooj Aghazarian, is revoked or suspended, any additional license issued under Articles 5 and 6 of Chapter 20.3 of Division 3 of the Business and Professions Code in the name of said licensee may be likewise revoked or suspended by the director

## PRAYER

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

1. Revoking or suspending Automotive Repair Dealer Registration Number ARD 232315, issued to Varooj Aghazarian-President/Secretary/Treasurer-Varooj & Sons Inc dba Aya Smog and Auto Repair;

2. Revoking, suspending, or placing on probation any other automotive repair dealer registration issued to Varooj & Sons Inc;

3. Revoking or suspending Smog Check and Repair Station License Number RC 232315, issued to Varooj Aghazarian-President/Secretary/Treasurer-Varooj & Sons Inc dba Aya Smog and Auto Repair;

4. Revoking or suspending Lamp Station License Number LS 232315, Class A, issued to Varooj Aghazarian-President/Secretary/Treasurer-Varooj & Sons Inc dba Aya Smog and Auto Repair;

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1           5.     Revoking or suspending Brake Station License Number BS 229688, Class C, issued  
2 to Varooj Aghazarian-President/Secretary/Treasurer-Varooj & Sons Inc dba Aya Smog and Auto  
3 Repair;

4           6.     Revoking or suspending Smog Check Inspector License Number EO 138215, issued  
5 to Varooj Aghazarian;

6           7.     Revoking or suspending Smog Check Repair Technician Number EI 138125, issued  
7 to Varooj Aghazarian;

8           8.     Revoking or suspending Brake Adjuster Number BA 138125, Class C, issued to  
9 Varooj Aghazarian;

10          9.     Revoking or suspending Lamp Adjuster License Number LA 138125, Class A, issued  
11 to Varooj Aghazarian;

12          10.    Revoking or suspending any additional license issued under Chapter 5 of Part 5 of  
13 Division 26 of the Health and Safety Code in the name of Varooj & Sons Inc and Varooj  
14 Aghazarian;

15          11.    Revoking or suspending any additional license issued under Articles 5 and 6 of  
16 Chapter 20.3 of the Business and Professions Code in the name of Varooj & Sons Inc and Varooj  
17 Aghazarian;

18          12.    Ordering Varooj Aghazarian-President/Secretary/Treasurer-Varooj & Sons Inc dba  
19 Aya Smog and Auto Repair and Varooj Aghazarian to pay the Bureau of Automotive Repair the  
20 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
21 Professions Code section 125.3; and

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

DATED: April 17, 2020

Signature on File

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

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