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

11 In the Matter of the Accusation Against:

Case No. *71/10-10844*

12 **SARRON CORP.**  
13 **dba ALL TUNE AND LUBE**  
14 **4001 First Street # 8**  
15 **Livermore, CA 94551-4951**  
16 **FRED MOHAMMED- President**  
17 **SHEILA JOY MOHAMMED- Secretary/Treasurer**

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

18 **Automotive Repair Dealer Registration No. ARD 197252**  
19 **Smog Check Station License No. RC 197252**

20 **FRED MOHAMMED**  
21 **4001 First Street # 8**  
22 **Livermore, CA 94551-4951**

23 **Mailing address:**  
24 **655 Tanager Rd**  
25 **Livermore, CA 94551**

26 Smog Check Inspector (EO) License No. 142721  
27 Smog Check Repair Technician (EI) License No. 142721

28 Respondents.

Complainant alleges:

1 **PARTIES**

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

4 2. In or about 1997, the Bureau of Automotive Repair issued Automotive Repair Dealer  
5 Registration Number ARD 197252 to Sarron Corp. dba All Tune And Lube (Respondent Sarron).  
6 The Automotive Repair Dealer Registration was in full force and effect at all times relevant to the  
7 charges brought herein and will expire on November 30, 2017, unless renewed.

8 3. On or about February 2, 1999, the Bureau of Automotive Repair issued Smog Check  
9 Station License Number RC 197252 to Respondent Sarron. The Smog Check Station License  
10 was in full force and effect at all times relevant to the charges brought herein and will expire on  
11 November 30, 2017, unless renewed.

12 4. On or about 2003, the Director issued Advanced Emission Specialist Technician  
13 License Number EA 142721 to Fred Mohammed (Respondent Mohammed). Respondent's  
14 advanced emission specialist technician license was due to expire on March 31, 2013 but was  
15 cancelled on February 6, 2013. Pursuant to California Code of Regulations, title 16, section  
16 3340.28, subdivision (e), the license was renewed, pursuant to Respondent's election, as Smog  
17 Check Inspector License EO 142721 and Smog Check Repair Technician License EI 142721.  
18 Respondent's Smog Check Inspector License will expire on March 31, 2019, unless renewed.  
19 Smog Check Repair Technician License expired on March 31, 2017, and has not been renewed.<sup>1</sup>

20 **JURISDICTION**

21 5. This Accusation is brought before the Director of the Department of Consumer  
22 Affairs (Director) for the Bureau of Automotive Repair, under the authority of the following laws.

23 6. Section 9884.7 of the Code states:

24 "(a) The director, where the automotive repair dealer cannot show there was a bona fide  
25 error, may deny, suspend, revoke, or place on probation the registration of an automotive repair

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

1 dealer for any of the following acts or omissions related to the conduct of the business of the  
2 automotive repair dealer, which are done by the automotive repair dealer or any automotive  
3 technician, employee, partner, officer, or member of the automotive repair dealer.

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

7 . . .

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

10 . . .

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

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

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

22 9. Section 44012 of the Health and Safety Code requires that tests at smog check  
23 stations be performed in accordance with procedures prescribed by the department.

24 10. Section 44032 of the Health and Safety Code requires that smog check technicians to  
25 perform smog inspections in accordance Section 44012.

26 11. Section 44072.2 of the Health and Safety Code states:  
27  
28

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

4 "(a) Violates any section of this chapter [the Motor Vehicle Inspection Program (Health  
5 and Saf. Code, § 44000, et seq.)) and the regulations adopted pursuant to it, which related to the  
6 licensed activities.

7 . . .

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

9 . . .

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

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

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

19 14. California Code of Regulations, title 16, section 3340.30, states, in pertinent part:

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

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

25 15. California Code of Regulations, title 16, section 3340.35(c), states, in pertinent part:

26 "... (c) A licensed station shall issue a certificate of compliance or noncompliance to the  
27 owner or operator of any vehicle that has been inspected in accordance with the procedures  
28

1 specified in section 3340.42 of this article and has all the required emission control equipment  
2 and devices installed and functioning correctly.

3 16. California Code of Regulations, title 16, section 3340.42, states:

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

6 . . . .

7 “(b) In addition to subsection (a), all vehicles subject to the smog check program shall  
8 receive the following:

9 “(1) A visual inspection of emission control components and systems to verify the vehicle's  
10 emission control systems are properly installed.

11 . . . .”

12 17. California Code of Regulations, title 16, section 3340.45 States:

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

15 “(1) Smog Check Inspection Procedures Manual, dated August 2009, which is hereby  
16 incorporated by reference. This manual shall be in effect until subparagraph (2) is implemented.

17 “(2) Smog Check Manual, dated 2013, which is hereby incorporated by reference. This  
18 manual shall become effective on or after January 1, 2013.”

### 19 **COSTS**

20 18. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
21 administrative law judge to direct a licentiate found to have committed a violation or violations of  
22 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
23 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
24 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
25 included in a stipulated settlement.

### 26 **FACTUAL BACKGROUND**

27 19. On or about October 11, 2016, the Bureau of Automotive Repair had a 2008 Chrysler  
28 (Chrysler) taken to Respondent Sarron's shop All Tune and Lube for a smog inspection. The

1 Chrysler had non-approved Jet Performance Module installed in the Powertrain Control Module  
2 (PCM) wiring at the PCM when it was taken to All Tune and Lube. In this condition the Chrysler  
3 should not have passed a properly performed smog inspection. The vehicle should have failed the  
4 visual portion of the smog inspection.

5 20. On or about October 11, 2016, Respondent Mohammed performed a smog inspection  
6 on the Chrysler at Respondent Sarron's smog shop. The Chrysler passed the smog inspection.  
7 Respondent Sarron issued smog certificate number QE172271C to the Chrysler. The vehicle  
8 passed the visual portion of the smog inspection. Respondent Sarron and Respondent  
9 Mohammed certified under penalty of perjury that the Chrysler was inspected in accordance with  
10 the procedures prescribed by the department and that the information on the Vehicle Inspection  
11 Report was true and accurate. The Vehicle Inspection Report stated that the Chrysler passed the  
12 smog inspection including all relevant portions of the visual inspection.

13 **FIRST CAUSE FOR DISCIPLINE**

14 (False or Misleading Statements-Registration)

15 21. Respondent Sarron's Automotive Repair Dealer Registration is subject to disciplinary  
16 action under section 9884.7(a)(1) of the code in that Respondent Sarron made false or misleading  
17 statements. The circumstances are described in paragraphs 19-20, above.

18 **SECOND CAUSE FOR DISCIPLINE**

19 (Violation of Motor Vehicle Inspection Program-Station License)

20 22. Respondent Sarron's Smog Check Station License is subject to disciplinary action  
21 under section 44072.2, subsections (a) and (c), of the Health and Safety Code in that Respondent  
22 Sarron violated the Motor Vehicle Inspection Program and/or the regulation adopted pursuant to  
23 it as follows:

24 a.) Respondent Sarron violated section 44012 of the Health and Safety Code by failing to  
25 test the Chrysler in accordance with the procedures prescribed by the department. Respondent  
26 Sarron failed to perform a visual inspection on the Chrysler as required by California Code of  
27 Regulations Title 16, section 3340.42, and the Smog Check Manual described in California Code  
28

1 of Regulations Title 16, section 3340.45. The circumstances are further described in paragraphs  
2 19-20, above.

3 b.) Respondent Sarron violated California Code of Regulations, title 16, section 3340.30,  
4 subsection (a), in that respondent violated section 44012 of the Health and Safety Code and/or  
5 California Code of Regulations Title 16, section 3340.42. Respondent Sarron failed to perform a  
6 visual inspection on the Chrysler as required by California Code of Regulations Title 16, section  
7 3340.42 and the Smog Check Manual described in California Code of Regulations Title 16,  
8 section 3340.45. The circumstances are further described in paragraphs 19-20, above.

9 c.) Respondent Sarron violated California Code of Regulations, Title 16, section  
10 3340.35(c), in that Respondent Sarron issued a certificate of compliance to a vehicle that did not  
11 have all required emission control equipment and devices installed and functioning correctly.  
12 The circumstances are further described in paragraphs 19-20, above.

13 d.) Respondent Sarron violated California Code of Regulations, Title 16, section  
14 3340.42, by failing to perform a visual inspection on the Chrysler. The circumstances are further  
15 described in paragraphs 19-20, above.

16 e.) Respondent Sarron violated California Code of Regulations, Title 16, section  
17 3340.45, by failing to perform a visual inspection on the Chrysler as required by the Smog Check  
18 Manual. The circumstances are further described in paragraphs 19-20, above.

### 19 **THIRD CAUSE FOR DISCIPLINE**

20 (Violation of Motor Vehicle Inspection Program-Smog Check Licenses)

21 23. Respondent Mohammed's Smog Check Inspector and Smog Check Repair  
22 Technician licenses are subject to disciplinary action under section 44072.2, subsections (a) and  
23 (c), of the Health and Safety code in that Respondent violated the Motor Vehicle Inspection  
24 Program and/or the regulation adopted pursuant to it as follows:

25 a.) Respondent Mohammed violated section 44032 of the Health and Safety Code by failing  
26 to test the Chrysler in accordance with section 44012 of the Health and Safety Code (the  
27 procedures prescribed by the department). Respondent Mohammed failed to perform a visual  
28 inspection on the let Chrysler as required by California Code of Regulations Title 16, section

1 3340.42, and the Smog Check Manual described in California Code of Regulations Title 16,  
2 section 3340.45. The circumstances are further described in paragraphs 19-20, above.

3 b.) Respondent Mohammed violated California Code of Regulations, title 16, section  
4 3340.30, subsection (a), in that Respondent Mohammed violated section 44012 of the Health and  
5 Safety Code and/or California Code of Regulations Title 16, section 3340.42. Respondent  
6 Mohammed failed to perform a visual inspection on the Chrysler as required by California Code  
7 of regulations Title 16, section 3340.42 and the Smog Check Manual described in California  
8 Code of Regulations Title 16, section 3340.45. The circumstances are further described in  
9 paragraphs 19-20, above.

10 c.) Respondent Mohammed violated California Code of Regulations, Title 16, section  
11 3340.35(c), in that Respondent issued a certificate of compliance to a vehicle that did not have all  
12 required emission control equipment and devices installed and functioning correctly. The  
13 circumstances are further described in paragraphs 19-20, above.

14 d.) Respondent Mohammed violated California Code of Regulations, Title 16, section  
15 3340.42, by failing to perform a visual inspection on the Chrysler. The circumstances are further  
16 described in paragraphs 19-20, above.

17 e.) Respondent Mohammed violated California Code of Regulations, Title 16, section  
18 3340.45, by failing to perform a visual inspection on the Chrysler as required by the Smog Check  
19 Manual. The circumstances are further described in paragraphs 19-20, above.

#### 20 **DISCIPLINARY CONSIDERATIONS**

21 24. To determine the degree of discipline, if any, to be imposed on Respondent Sarron,  
22 Complainant alleges that on or about August 31, 2011, Respondent was issued Citation No.  
23 C2012-0195 for failing to perform a smog inspection according to the procedures prescribed by  
24 the department. This citation is now final and non-appealable.

25 25. To determine the degree of discipline, if any, to be imposed on Respondent Sarron,  
26 Complainant alleges that on or about March 5, 2012, Respondent was issued Citation No. C2012-  
27 1078 for failing to perform a smog inspection according to the procedures prescribed by the  
28 department. This citation is now final and non-appealable.



26. To determine the degree of discipline, if any, to be imposed on Respondent Sarron, Complainant alleges that on or about November 7, 2014, Respondent was issued Citation No. C2014-1360 for failing to perform a smog inspection according to the procedures prescribed by the department. This citation is now final and non-appealable.

27. To determine the degree of discipline, if any, to be imposed on Respondent Sarron, Complainant alleges that on or about May 26, 2016, Respondent was issued Citation No. C2016-1162 for failing to perform a smog inspection according to the procedures prescribed by the department. This citation is now final and non-appealable.

28. To determine the degree of discipline, if any, to be imposed on Respondent Mohammed, Complainant alleges that on or about August 31, 2011, Respondent was issued Citation No. M2012-0196 for failing to perform a smog inspection according to the procedures prescribed by the department. This citation is now final and non-appealable.

29. To determine the degree of discipline, if any, to be imposed on Respondent Mohammed, Complainant alleges that on or about March 5, 2012, Respondent was issued Citation No. M2012-1079 for failing to perform a smog inspection according to the procedures prescribed by the department. This citation is now final and non-appealable.

30. To determine the degree of discipline, if any, to be imposed on Respondent Mohammed, Complainant alleges that on or about November 7, 2014, Respondent was issued Citation No. M2014-1361 for failing to perform a smog inspection according to the procedures prescribed by the department. This citation is now final and non-appealable.

31. To determine the degree of discipline, if any, to be imposed on Respondent Mohammed, Complainant alleges that on or about May 26, 2016, Respondent was issued Citation No. M2016-1163 for failing to perform a smog inspection according to the procedures prescribed by the department. This citation is now final and non-appealable.

## OTHER MATTERS

32. Pursuant to Code section 9884.7, subdivision (c), the Director may suspend, revoke, or place on probation the registration for all places of business operated in this state by Respondent Sarron, upon a finding that Respondent Sarron has, or is, engaged in a course of

1 repeated and willful violations of the laws and regulations pertaining to an automotive repair  
2 dealer.

3 33. Pursuant to Health & Safety Code 44072.8, if Smog Check Station License Number  
4 RC 197252, issued to Respondent Sarron, doing business as All Tune and Lube, is revoked or  
5 suspended, any additional license issued under Chapter 5, of Part 5 of Division 26 of the Health  
6 and Safety Code in the name of said licensee may be revoked or suspended by the director.

7 34. Pursuant to Health & Safety Code 44072.8, if Smog Check Inspector License Number  
8 EO 142721, issued to Fred Mohammed is revoked or suspended, any additional license issued  
9 under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code to said licensee may be  
10 revoked or suspended by the director.

11 35. Pursuant to Health & Safety Code 44072.8, if Smog Check Repair Technician  
12 License Number EI 142721, issued to Fred Mohammed is revoked or suspended, any additional  
13 license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code to said  
14 licensee may be revoked or suspended by the director.

15 PRAYER

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

18 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD  
19 197252, issued to Sarron Corp.

20 2. Revoking or suspending Smog Check Station License Number RC 197252, issued to  
21 Sarron Corp.;

22 3. Revoking or suspending any additional Automotive Repair Dealer Registration,  
23 Smog Check Station License, Smog Check Inspector License, or Smog Check Repair Technician  
24 License, issued to Sarron Corp.;

25 4. Ordering Sarron Corp. to pay the Bureau of Automotive Repair the reasonable costs  
26 of the investigation and enforcement of this case, pursuant to Business and Professions Code  
27 section 125.3; and,  
28

1           5.     Revoking or suspending Smog Check Inspector (EO) License No. 142721, issued to  
2 Fred Mohammed.

3           6.     Revoking or suspending Smog Check Repair Technician (EI) License No. 142721,  
4 issued to Fred Mohamed;

5           7.     Revoking or suspending any additional Smog Check Station License, Smog Check  
6 Inspector License, or Smog Check Repair Technician License, issued to Fred Mohammed;

7           8.     Ordering Fred Mohammed to pay the Bureau of Automotive Repair the reasonable  
8 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
9 Code section 125.3; and,

10          9.     Taking such other and further action as deemed necessary and proper.  
11  
12

13  
14 DATED:

June 14, 2017

Patrick Doraïs

PATRICK DORAIS

Chief

Bureau of Automotive Repair

Department of Consumer Affairs

State of California

*Complainant*

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