

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

In the Matter of the Accusation Against:

GOOD GUY AUTO PLUS & SALE
SANDY SAY AREH, Owner
8009 Carlton Road
Sacramento, CA 95826

Automotive Repair Dealer Registration
No. ARD 204488
Smog Check Station License
No. RC 204488

and

JOHN TRACY LYONS
479 Encina Drive
El Dorado Hills, CA 95762

Advanced Emission Specialist Technician
License No. EA 145576

Respondents.

Case No. 79/09-31

OAH No. 2009050023

DECISION

The attached Stipulated Revocation of License and Registration Issued To Goog Guy Auto Plus & Sale, Sandy Sayareh, Owner; and 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 Good Guy Auto Plus & Sale, Sandy Sayareh, Owner, Automotive Repair Dealer Registration No. ARD 204488 and Smog Check Station License No. RC 204488.

This Decision shall become effective 10/19/09.

DATED: September 15, 2009



PATRICIA HARRIS
Acting Chief Deputy Director
Department of Consumer Affairs

1 EDMUND G. BROWN JR.
Attorney General of California
2 JANICE LACHMAN
Supervising Deputy Attorney General
3 LORRIE M. YOST
Deputy Attorney General
4 State Bar No. 119088
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Facsimile: (916) 327-8643
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:

Case No. 79/09-31

13
14 GOOD GUY AUTO PLUS & SALE
SANDY SAYAREH, OWNER
8009 Carlton Road
15 Sacramento, CA 95826

OAH No. 2009050023

16 Automotive Repair Dealer Reg. No. ARD
204488
17 Smog Check Station License No. RC 204488,

**STIPULATED REVOCATION OF
LICENSE AND REGISTRATION ISSUED
TO GOOD GUY AUTO PLUS & SALE
SANDY SAYAREH, OWNER ; AND
ORDER**

18 and

19 JOHN TRACY LYONS
479 Encina Drive
20 El Dorado Hills, CA 95762

21 Advanced Emission Specialist Technician
License No. EA 145576

22
23 Respondents.
24

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1 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
2 proceeding that the following matters are true:

3 PARTIES

4 1. Sherry Mehl (Complainant) is the Chief of the Bureau of Automotive Repair. She
5 brought this action solely in her official capacity and is represented in this matter by Edmund G.
6 Brown Jr., Attorney General of the State of California, by Lorrie M. Yost, Deputy Attorney
7 General.

8 2. Good Guy Auto Plus & Sale; Sandy Sayareh; ("Respondent Sayareh") is representing
9 herself in this proceeding and has chosen not to exercise her right to be represented by counsel.

10 3. In or about 1999, the Director of Consumer Affairs ("Director") issued Automotive
11 Repair Dealer Registration Number ARD 204488 to Sandy Sayareh, owner doing business as
12 Good Guy Auto Plus & Sale. Respondent's automotive repair dealer registration was in full force
13 and effect at all times relevant to the charges brought herein and was cancelled on August 13,
14 2008.

15 4. In or about 1999, the Director of Consumer Affairs ("Director") issued Smog Check
16 Station License No. RC 204488 to Sandy Sayareh, owner doing business as Good Guy Auto Plus
17 & Sale. Respondent's smog check station license was in full force and effect at all times relevant
18 to the charges brought herein and was cancelled on August 13, 2008.

19 JURISDICTION

20 5. Accusation No. 79/09-31 was filed before the Director of Consumer Affairs
21 (Director), for the Bureau of Automotive Repair (Bureau), and is currently pending against
22 Respondent Sayareh. The Accusation and all other statutorily required documents were properly
23 served on Respondent on October 7, 2008. Respondent timely filed her Notice of Defense
24 contesting the Accusation. A copy of Accusation No. 79/09-31 is attached as Exhibit A and
25 incorporated herein by reference.

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1 Director considers and acts upon it. If the Director fails to adopt this stipulation as the Decision
2 and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except
3 for this paragraph, it shall be inadmissible in any legal action between the parties, and the
4 Director shall not be disqualified from further action by having considered this matter.

5 12. The parties understand and agree that facsimile copies of this Stipulated Surrender of
6 License and Order, including facsimile signatures thereto, shall have the same force and effect as
7 the originals.

8 13. In consideration of the foregoing admissions and stipulations, the parties agree that
9 the (Director) may, without further notice or formal proceeding, issue and enter the following
10 Order:

11 **ORDER**

12 IT IS HEREBY ORDERED that Automotive Repair Dealer Registration No. ARD 204488
13 and Smog Check Station License No. RC 204488 issued to Respondent Sandy Sayareh, doing
14 business as Good Guys Auto Plus and Sale, are revoked by the Director of Consumer Affairs.

15 14. Respondent Sayareh shall lose all rights and privileges to operate as an automotive
16 repair dealership under Automotive Repair Dealer Registration No. ARD 204488 and as a smog
17 station under Smog Check Station License No. RC 204488 in California as of the effective date of
18 the Director's Decision and Order.

19 15. Respondent Sayareh shall cause to be delivered to the Bureau both her Automotive
20 Repair Dealer Registration No. ARD 204488 and Smog Check Station License No. RC 204488
21 wall license certificates and, if one was issued, pocket licenses on or before the effective date of
22 the Decision and Order.

23 16. Respondent Sayareh fully understands and agrees that if she ever in the future files an
24 application for licensure or a petition for reinstatement of licenses in the State of California, the
25 Bureau shall treat it as a petition for reinstatement of her Automotive Repair Dealer Registration
26 No. ARD 204488 and Smog Check Station License No. RC 204488. If Respondent should file
27 for reinstatement she will at that time be liable to pay the Bureau's costs in this matter of
28 \$13,411.66 and all of the charges and allegations contained in Accusation No. 79/09-31 shall be

1 deemed to be true, correct and admitted by Respondent when the Director determines whether to
 2 grant or deny the petition. Respondent must also comply with all the laws, regulations and
 3 procedures for reinstatement of a revoked license in effect at the time the petition is filed.

4
 5 ACCEPTANCE

6 I have carefully read the Stipulated Revocation of License and Order. I understand the
 7 stipulation and the effect it will have on my Automotive Repair Dealer Registration No. ARD
 8 204488 and Smog Check Station License No. RC 204488. I enter into this stipulation
 9 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
 10 Director of Consumer Affairs.

11
 12 DATED: 7-27-09


 13 GOOD GUY AUTO PLUS & SALE; SANDY
 14 SAYAREH, Respondent

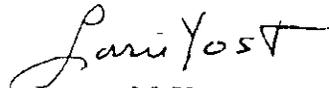
15 No Contest

16 ENDORSEMENT

17 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
 18 for consideration by the Director of Consumer Affairs.

19 Dated: July 24, 2009

Respectfully Submitted,
 20 EDMUND G. BROWN JR.
 21 Attorney General of California
 22 JANICE LACHMAN
 Supervising Deputy Attorney General


 23 LORRIE M. YOST
 24 Deputy Attorney General
 25 Attorneys for Complainant

26
 27 SA2008101277
 28 Stipulation.rtf

Exhibit A

Accusation No. 79/09-31

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 LORRIE M. YOST, State Bar No. 119088
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6 Facsimile: (916) 327-8643

7 Attorneys for Complainant

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

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In the Matter of the Accusation Against:

Case No. 79/09-31

13

GOOD GUY AUTO PLUS & SALE
SANDY SAYAREH, OWNER
14 8009 Carlton Road
Sacramento, CA 95826

A C C U S A T I O N

Smog Check

15

Automotive Repair Dealer Reg. No. ARD 204488
16 Smog Check Station License No. RC 204488,

17

and

18

JOHN TRACY LYONS
479 Encina Drive
19 El Dorado Hills, CA 95762

20

Advanced Emission Specialist Technician License
No. EA 145576

21

Respondents.

22

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Complainant alleges:

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PARTIES

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1. Sherry Mehl ("Complainant") brings this Accusation solely in her official

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capacity as the Chief of the Bureau of Automotive Repair ("Bureau"), Department of Consumer

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Affairs.

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1 of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive
2 the Director of jurisdiction to proceed with disciplinary action.

3 STATUTORY PROVISIONS

4 9. Bus. & Prof. Code section 9884.7 states, in pertinent part:

5 (a) The director, where the automotive repair dealer cannot show there
6 was a bona fide error, may refuse to validate, or may invalidate temporarily or
7 permanently, the registration of an automotive repair dealer for any of the
8 following acts or omissions related to the conduct of the business of the
9 automotive repair dealer, which are done by the automotive repair dealer or any
10 automotive technician, employee, partner, officer, or member of the automotive
11 repair dealer.

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

16
17 (4) Any other conduct which constitutes fraud.

18
19 (c) Notwithstanding subdivision (b), the director may refuse to
20 validate, or may invalidate temporarily or permanently, the registration
21 for all places of business operated in this state by an automotive repair
22 dealer upon a finding that the automotive repair dealer has, or is, engaged
23 in a course of repeated and willful violations of this chapter, or regulations
24 adopted pursuant to it.

25 10. Bus. & Prof. Code section 477 provides, in pertinent part, that "Board"
26 includes "bureau," "commission," "committee," "department," "division," "examining
27 committee," "program," and "agency."

28 11. Bus. & Prof. Code section 477, subdivision (b), states, in pertinent part,
that a "license" includes "registration" and "certificate."

12. Health & Saf. Code section 44072.2 states, in pertinent part:

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

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

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

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

5 13. Health & Saf. Code section 44072.10 states, in pertinent part:

6

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

11 (1) Clean piping, as defined by the department . . .

12 14. Health & Saf. Code section 44072.8 states that when a license has been
13 revoked or suspended following a hearing under this article, any additional license issued under
14 this chapter in the name of the licensee may be likewise revoked or suspended by the director.

15 Cost Recovery

16 15. Bus. & Prof. Code section 125.3 provides, in pertinent part, that a Board
17 may request the administrative law judge to direct a licentiate found to have committed a
18 violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the
19 investigation and enforcement of the case.

20 VIDEO SURVEILLANCE OF JULY 2, 2008

21 16. On July 2, 2008, a representative of the Bureau conducted a video
22 surveillance operation of Respondent Sayareh's smog check facility. The surveillance video and
23 information obtained from the Bureau's vehicle information database ("VID") revealed that
24 Respondent Lyons issued electronic smog certificates of compliance on behalf of Respondent
25 Sayareh, certifying that he had tested and inspected the vehicles identified below and that the
26 vehicles were in compliance with applicable laws and regulations. In fact, Respondent Lyons

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1 conducted the inspections using clean piping methods¹, resulting in the issuance of fraudulent
2 certificates of compliance for the vehicles.

3 4 Time of Smog Inspection	Vehicle Certified & License #	Certificate of Compliance No.	Vehicle Actually Tested
5 1. 0858 - 0914	1992 Lexus SC400; license # 5VEK204	NC344554C	1998 Plymouth Neon; license # 6DVA099 ²
6 2. 0955 - 1002	1999 Volkswagen Jetta; license # 5WBW030	NC344555C	2003 Volkswagen Passat; license # DPA 4736

8 **FIRST CAUSE FOR DISCIPLINE**

9 **(Untrue or Misleading Statements)**

10 17. Respondent Sayareh's automotive repair dealer registration is subject to
11 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(1), in that
12 Respondent made or authorized statements which she knew or in the exercise of reasonable care
13 should have known to be untrue or misleading, as follows: Respondent Sayareh's technician,
14 Respondent Lyons, certified that vehicles 1 and 2, identified in paragraph 16 above, had passed
15 inspection and were in compliance with applicable laws and regulations. In fact, Respondent
16 Lyons used clean piping methods in order to issue certificates for the vehicles and did not test or
17 inspect the vehicles as required by Health & Saf. Code section 44012.

18 **SECOND CAUSE FOR DISCIPLINE**

19 **(Fraud)**

20 18. Respondent Sayareh's automotive repair dealer registration is subject to
21 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(4), in that
22 Respondent committed acts which constitute fraud by issuing electronic smog certificates of
23 compliance for vehicles 1 and 2, identified in paragraph 16 above, without performing bona fide
24 inspections of the emission control devices and systems on the vehicles, thereby depriving the
25

26 1. Pursuant to California Code of Regulations, title 16, section 3340.1, subdivision (t), "clean piping"
27 means the use of a sample of the exhaust emissions of one vehicle in order to cause the Emission Inspection
System to issue a certificate of compliance for another vehicle.

28 2. The Bureau determined that the 1998 Plymouth Neon was registered to Respondent Lyons.

1 People of the State of California of the protection afforded by the Motor Vehicle Inspection
2 Program.

3 **THIRD CAUSE FOR DISCIPLINE**

4 **(Violations of the Motor Vehicle Inspection Program)**

5 19. Respondent Sayareh's smog check station license is subject to disciplinary
6 action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that Respondent failed
7 to comply with provisions of that Code, as follows:

- 8 a. **Section 44012:** Respondent Sayareh failed to ensure that the emission
9 control tests were performed on vehicles 1 and 2, identified in paragraph
10 16 above, in accordance with procedures prescribed by the department.
11 b. **Section 44015:** Respondent Sayareh issued electronic smog certificates
12 of compliance for vehicles 1 and 2, identified in paragraph 16 above,
13 without ensuring that the vehicles were properly tested and inspected to
14 determine if they were in compliance with Health & Saf. Code section
15 44012.

16 **FOURTH CAUSE FOR DISCIPLINE**

17 **(Failure to Comply with Regulations Pursuant
18 to the Motor Vehicle Inspection Program)**

19 20. Respondent Sayareh's smog check station license is subject to disciplinary
20 action pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that Respondent failed
21 to comply with provisions of California Code of Regulations, title 16, as follows:

- 22 a. **Section 3340.24, subdivision (c):** Respondent Sayareh falsely or
23 fraudulently issued electronic smog certificates of compliance for vehicles
24 1 and 2, identified in paragraph 16 above.
25 b. **Section 3340.35, subdivision (c):** Respondent Sayareh issued electronic
26 smog certificates of compliance for vehicles 1 and 2, identified in
27 paragraph 16 above, even though those vehicles had not been inspected in
28 accordance with section 3340.42.

1 c. Section 3340.41, subdivision (c): Respondent Sayareh authorized or
2 permitted Respondent Lyons to enter false information into the emissions
3 inspection system ("EIS") by entering vehicle identification information or
4 emission control system identification data for vehicles other than the ones
5 being tested.

6 d. Section 3340.42: Respondent Sayareh failed to ensure that the required
7 smog tests were conducted on vehicles 1 and 2, identified in paragraph 16
8 above, in accordance with the Bureau's specifications.

9 **FIFTH CAUSE FOR DISCIPLINE**

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

11 21. Respondent Sayareh's smog check station license is subject to disciplinary
12 action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent
13 committed dishonest, fraudulent or deceitful acts whereby another is injured by issuing electronic
14 smog certificates of compliance for vehicles 1 and 2, identified in paragraph 16 above, without
15 performing bona fide inspections of the emission control devices and systems on the vehicles,
16 thereby depriving the People of the State of California of the protection afforded by the Motor
17 Vehicle Inspection Program.

18 **SIXTH CAUSE FOR DISCIPLINE**

19 **(Violations of the Motor Vehicle Inspection Program)**

20 22. Respondent Lyons' advanced emission specialist technician license is
21 subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in
22 that Respondent failed to comply with provisions of that Code, as follows:

23 a. Section 44012: Respondent failed to perform the emission control tests
24 on vehicles 1 and 2, identified in paragraph 16 above, in accordance with
25 procedures prescribed by the department.

26 b. Section 44059: Respondent willfully made false entries in the EIS in
27 order to issue certificates of compliance for vehicles 1 and 2, identified in
28 paragraph 16 above.

1 the vehicles, thereby depriving the People of the State of California of the protection afforded by
2 the Motor Vehicle Inspection Program.

3 **VIDEO SURVEILLANCE OF JULY 16, 2008**

4 25. On July 16, 2008, a representative of the Bureau conducted a video
5 surveillance operation of Respondent Sayareh's smog check facility. The surveillance video and
6 information obtained from the Bureau's VID revealed that Respondent Lyons issued electronic
7 smog certificates of compliance on behalf of Respondent Sayareh, certifying that he had tested
8 and inspected the vehicles identified below and that the vehicles were in compliance with
9 applicable laws and regulations. In fact, Respondent Lyons conducted the inspections using
10 clean piping methods, resulting in the issuance of fraudulent certificates of compliance for the
11 vehicles.

12 Time of Smog 13 Inspection	Vehicle Certified & License #	Certificate of Compliance No.	Vehicle Actually Tested
14 1. 1044 - 1053	2000 Honda Accord; license # 4LUX599	NC344585C	1999 Toyota Camry; license #4EYY235
15 2. 1335 - 1359	2006 Chrysler 300M; Indiana license # 95G1898	NC344586C	Same vehicle as above
16 3. 1435 - 1446	1999 Pontiac Sunfire; license # 4DWK553	NC344588C	1999 Chevrolet Tahoe; license # 4XFB185

18 **NINTH CAUSE FOR DISCIPLINE**

19 **(Untrue or Misleading Statements)**

20 26. Respondent Sayareh's automotive repair dealer registration is subject to
21 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(1), in that
22 Respondent made or authorized statements which she knew or in the exercise of reasonable care
23 should have known to be untrue or misleading, as follows: Respondent Sayareh's technician,
24 Respondent Lyons, certified that vehicles 1 through 3, identified in paragraph 25 above, had
25 passed inspection and were in compliance with applicable laws and regulations. In fact,
26 Respondent Lyons used clean piping methods in order to issue certificates for the vehicles and
27 did not test or inspect the vehicles as required by Health & Saf. Code section 44012.

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1 TWELFTH CAUSE FOR DISCIPLINE

2 (Failure to Comply with Regulations Pursuant
3 to the Motor Vehicle Inspection Program)

4 29. Respondent Sayareh's smog check station license is subject to disciplinary
5 action pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that Respondent failed
6 to comply with provisions of California Code of Regulations, title 16, as follows:

- 7 a. Section 3340.24, subdivision (c): Respondent Sayareh falsely or
8 fraudulently issued electronic smog certificates of compliance for vehicles
9 1 through 3, identified in paragraph 25 above.
- 10 b. Section 3340.35, subdivision (c): Respondent Sayareh issued electronic
11 smog certificates of compliance for vehicles 1 through 3, identified in
12 paragraph 25 above, even though those vehicles had not been inspected in
13 accordance with section 3340.42.
- 14 c. Section 3340.41, subdivision (c): Respondent Sayareh authorized or
15 permitted Respondent Lyons to enter false information into the EIS by
16 entering vehicle identification information or emission control system
17 identification data for vehicles other than the ones being tested.
- 18 d. Section 3340.42: Respondent Sayareh failed to ensure that the required
19 smog tests were conducted on vehicles 1 through 3, identified in paragraph
20 25 above, in accordance with the Bureau's specifications.

21 THIRTEENTH CAUSE FOR DISCIPLINE

22 (Dishonesty, Fraud or Deceit)

23 30. Respondent Sayareh's smog check station license is subject to disciplinary
24 action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent
25 committed dishonest, fraudulent or deceitful acts whereby another is injured by issuing electronic
26 smog certificates of compliance for vehicles 1 through 3, identified in paragraph 25 above,
27 without performing bona fide inspections of the emission control devices and systems on the

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1 vehicles, thereby depriving the People of the State of California of the protection afforded by the
2 Motor Vehicle Inspection Program.

3 **FOURTEENTH CAUSE FOR DISCIPLINE**

4 **(Violations of the Motor Vehicle Inspection Program)**

5 31. Respondent Lyons' advanced emission specialist technician license is
6 subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in
7 that Respondent failed to comply with provisions of that Code, as follows:

- 8 a. **Section 44012:** Respondent failed to perform the emission control tests
9 on vehicles 1 through 3, identified in paragraph 25 above, in accordance
10 with procedures prescribed by the department.
11 b. **Section 44059:** Respondent willfully made false entries in the EIS in
12 order to issue certificates of compliance for vehicles 1 through 3,
13 identified in paragraph 25 above.

14 **FIFTEENTH CAUSE FOR DISCIPLINE**

15 **(Failure to Comply with Regulations Pursuant
16 to the Motor Vehicle Inspection Program)**

17 32. Respondent Lyons' advanced emission specialist technician license is
18 subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (c), in
19 that Respondent failed to comply with provisions of California Code of Regulations, title 16, as
20 follows:

- 21 a. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently
22 issued electronic smog certificates of compliance for vehicles 1 through
23 3, identified in paragraph 25 above.
24 b. **Section 3340.30, subdivision (a):** Respondent failed to inspect and test
25 vehicles 1 through 3, identified in paragraph 25 above, in accordance with
26 Health & Saf. Code sections 44012 and 44035, and California Code of
27 Regulations, title 16, section 3340.42.

28 ///

1 c. Section 3340.41, subdivision (c): Respondent entered false information
2 into the EIS by entering vehicle identification information or emission
3 control system identification data for vehicles other than the ones being
4 tested.

5 d. Section 3340.42: Respondent failed to conduct the required smog tests on
6 vehicles 1 through 3, identified in paragraph 25 above, in accordance with
7 the Bureau's specifications.

8 **SIXTEENTH CAUSE FOR DISCIPLINE**

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

10 33. Respondent Lyons' advanced emission specialist technician license is
11 subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in
12 that Respondent committed dishonest, fraudulent or deceitful acts whereby another is injured by
13 issuing electronic smog certificates of compliance for vehicles 1 through 3, identified in
14 paragraph 25 above, without performing bona fide inspections of the emission control devices
15 and systems on the vehicles, thereby depriving the People of the State of California of the
16 protection afforded by the Motor Vehicle Inspection Program.

17 **MATTERS IN AGGRAVATION**

18 34. To determine the degree of discipline, if any, to be imposed on
19 Respondents Sayareh and Lyons, Complainant alleges by way of aggravation, as follows:

20 a. On or about January 3, 2007, the Bureau issued Citation No. C07-0432
21 against Respondent Sayareh for violations of Health & Saf. Code section 44012, subdivision (f)
22 (failure to perform a visual/functional check of emission control devices according to procedures
23 prescribe by the department), and California Code of Regulations, title 16, section ("Regulation")
24 3340.35, subdivision (c) (issuing a certificate of compliance to a vehicle that was improperly
25 tested). Respondent had issued a certificate of compliance to a Bureau undercover vehicle with
26 a non-functional exhaust gas recirculation (EGR) system. The Bureau assessed civil penalties
27 totaling \$500 against Respondent for the violations. Respondent paid the citation on February
28 15, 2007.

1 PRAYER

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

4 1. Temporarily or permanently invalidating Automotive Repair Dealer
5 Registration Number ARD 204488, issued to Sandy Sayareh, owner of Good Guy Auto Plus &
6 Sale;

7 2. Temporarily or permanently invalidating any other automotive repair
8 dealer registration issued to Sandy Sayareh;

9 3. Revoking or suspending Smog Check Station License Number
10 RC 204488, issued to Sandy Sayareh, owner of Good Guy Auto Plus & Sale;

11 4. Revoking or suspending any additional license issued under Chapter 5 of
12 the Health and Safety Code in the name of Sandy Sayareh;

13 5. Revoking or suspending Advanced Emission Specialist Technician
14 License Number EA 145576, issued to John Tracy Lyons;

15 6. Revoking or suspending any additional license issued under Chapter 5 of
16 the Health and Safety Code in the name of John Tracy Lyons;

17 7. Ordering Respondents Sandy Sayareh, owner of Good Guy Auto Plus &
18 Sale, and John Tracy Lyons to pay the Director of Consumer Affairs the reasonable costs of the
19 investigation and enforcement of this case, pursuant to Business and Professions Code section
20 125.3;

21 8. Taking such other and further action as deemed necessary and proper.

22 DATED: 10/31/08

23
24 
25 SHERRY MEHL
26 Chief
27 Bureau of Automotive Repair
28 Department of Consumer Affairs
State of California
Complainant