

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

In the Matter of the Accusation Against:

**SMOG PRO;**  
**ORANGE PARSCO LTD, OWNER**  
**MEHDI MAHDAVI, PRESIDENT**  
883 North Tustin Avenue  
Orange, CA 92867

Automotive Repair Dealer Registration No.  
ARD 205977  
Smog Check Station License No. TC 205977

Respondent.

Case No. 79/13-19

OAH No. 2013020134

**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. The typographical errors on page 2, lines 8 and 12, are noted: The expiration date of the Automotive Repair Dealer Registration No. ARD 205977 and the Smog Check Test Only Station License No. TC 205977 should be changed from "July 31, 2013" to "July 31, 2014."

This Decision shall become effective                     AUG 30 2013                    .

DATED:           August 5, 2013          

  
\_\_\_\_\_  
DONALD CHANG  
Assistant Chief Counsel  
Department of Consumer Affairs

1 KAMALA D. HARRIS  
Attorney General of California  
2 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
3 DAVID E. HAUSFELD  
Deputy Attorney General  
4 State Bar No. 110639  
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*Attorneys for Complainant*

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

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12 In the Matter of the Accusation Against:

Case No. 79/13-19

13 **SMOG PRO;**  
14 **ORANGE PARSCO LTD, OWNER**  
15 **MEHDI MAHDAVI, PRESIDENT**  
883 North Tustin Avenue  
Orange, CA 92867

OAH No. 2013020134

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

16 **Automotive Repair Dealer Registration No.**  
17 **ARD 205977**  
**Smog Check Station License No. TC 205977**

18  
19 Respondent.

20  
21 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
22 entitled proceedings that the following matters are true:

23 **PARTIES**

24 1. Patrick Dorais (Complainant) is the Acting Chief of the Bureau of Automotive  
25 Repair. He brought this action solely in his official capacity and is represented in this matter by  
26 Kamala D. Harris, Attorney General of the State of California, by David E. Hausfeld, Deputy  
27 Attorney General.

28 ///



1 to the issuance of subpoenas to compel the attendance of witnesses and the production of  
2 documents; the right to reconsideration and court review of an adverse decision; and all other  
3 rights accorded by the California Administrative Procedure Act and other applicable laws.

4 9. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
5 every right set forth above.

6 **CULPABILITY**

7 10. Respondent admits the truth of each and every charge and allegation in Accusation  
8 No. 79/13-19.

9 11. Any admissions made by Respondent herein, whether general or specific, express or  
10 implied, do not constitute admissions for any other purpose or proceeding to which the  
11 Department of Consumer Affairs or Bureau of Automotive Repair are not a party, including third  
12 party civil, criminal or administrative proceedings.

13 12. Respondent agrees that his Automotive Repair Dealer Registration and his Smog  
14 Check, Test Only, Station License are subject to discipline and he agrees to be bound by the  
15 Director of Consumer Affairs (Director)'s probationary terms as set forth in the Disciplinary  
16 Order below.

17 **CONTINGENCY**

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

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

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

10 16. In consideration of the foregoing admissions and stipulations, the parties agree that  
11 the Director may, without further notice or formal proceeding, issue and enter the following  
12 Disciplinary Order:

13 **DISCIPLINARY ORDER**

14 IT IS HEREBY ORDERED that Automotive Repair Dealer Registration No. ARD 205977  
15 and Smog Check Station License No. TC 205977 issued to Orange Parsco LTD, Mehdi Mahdavi,  
16 President, doing business as Smog Pro (Respondent) is revoked. However, the revocation is  
17 stayed and Respondent is placed on probation for three (3) years on the following terms and  
18 conditions.

19 1. **Actual Suspension.** Automotive Repair Dealer Registration No. ARD 205977 and  
20 Smog Check Station License No. TC 205977 issued to Orange Parsco LTD, Mehdi Mahdavi,  
21 President, doing business as Smog Pro are suspended for five (5) consecutive days from the  
22 effective date of the decision and order in this matter.

23 2. **Obey All Laws.** Comply with all statutes, regulations and rules governing  
24 automotive inspections, estimates and repairs.

25 3. **Post Sign.** Post a prominent sign, provided by the Bureau, indicating the beginning  
26 and ending dates of the suspension and indicating the reason for the suspension. The sign shall be  
27 conspicuously displayed in a location open to and frequented by customers and shall remain  
28 posted during the entire period of actual suspension.

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

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

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

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

15           8.     **Violation of Probation.** Should the Director of Consumer Affairs determine that  
16 Respondent has failed to comply with the terms and conditions of probation, the Department may,  
17 after giving notice and opportunity to be heard, temporarily or permanently invalidate the  
18 registration and/or suspend or revoke the license.

19           9.     **Cost Recovery.** Respondent shall pay to the Bureau \$6,528.23 in recovery of costs  
20 of investigation and enforcement. Payment to the Bureau shall be made over the first 24 months  
21 of probation, in equal installments, so long as the full cost recovery is received no later than 12  
22 months before probation terminates. Failure to complete payment of cost recovery within this  
23 time frame shall constitute a violation of probation which may subject Respondent's registration  
24 and license to outright revocation; however, the Director or the Director's Bureau of Automotive  
25 Repair designee may elect to continue probation until such time as reimbursement of the entire  
26 cost recovery amount 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, Esq.. I understand the stipulation and the effect it will have on my Automotive Repair Dealer Registration, and Smog Check 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: 7-25-2013

Mehdi Mahdavi  
MEHDI MAHDAVI, PRESIDENT AND  
AUTHORIZED AGENT FOR ORANGE PARSCO  
LTD, OWNER, dba SMOG PRO  
Respondent

I have read and fully discussed with Respondent Orange Parsco LTD, Mehdi Mahdavi, President, doing business as Smog Pro, the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 7/25/13

Michael B. Levin  
MICHAEL B. LEVIN,  
Attorney for Respondent

ENDORSEMENT

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

Dated:

Respectfully submitted,  
KAMALA D. HARRIS  
Attorney General of California  
JAMES M. LEDAKIS  
Supervising Deputy Attorney General

DAVID E. HAUSFELD  
Deputy Attorney General  
Attorneys for Complainant

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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, Esq.. I understand the stipulation and the effect it will have on my Automotive Repair Dealer Registration, and Smog Check 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: \_\_\_\_\_  
MEHDI MAHDAVI, PRESIDENT AND  
AUTHORIZED AGENT FOR ORANGE PARSCO  
LTD, OWNER, dba SMOG PRO  
Respondent

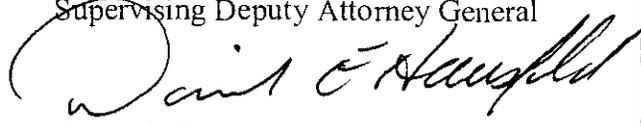
I have read and fully discussed with Respondent Orange Parsco LTD, Mehdi Mahdavi, President, doing business as Smog Pro, the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: \_\_\_\_\_  
MICHAEL B. LEVIN,  
Attorney for Respondent

**ENDORSEMENT**

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

Dated: 7/26/13

Respectfully submitted,  
KAMALA D. HARRIS  
Attorney General of California  
JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
  
DAVID E. HAUSFELD  
Deputy Attorney General  
Attorneys for Complainant

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**Exhibit A**

**Accusation No. 79/13-19**

1 KAMALA D. HARRIS  
Attorney General of California  
2 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
3 DAVID E. HAUSFELD  
Deputy Attorney General  
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7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

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9 **BEFORE THE**  
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12 In the Matter of the Accusation Against: Case No. 79/13-19  
13 **SMOG PRO;**  
14 **ORANGE PARSCO LTD, OWNER;**  
15 **MEHDI MAHDAVI, PRESIDENT** ACCUSATION  
**883 North Tustin Avenue** SMOG CHECK  
**Orange, CA 92867**  
16 **Automotive Repair Dealer Registration No.**  
17 **ARD 205977**  
18 **Smog Check Station License No. TC 205977**  
Respondent.

19  
20 Complainant alleges:

21 **PARTIES**

22 1. John Wallauch (Complainant) brings this Accusation solely in his official capacity as  
23 the Chief of the Bureau of Automotive Repair (BAR), Department of Consumer Affairs.

24 **Automotive Repair Dealer Registration No. ARD 205977**

25 2. On or about August 27, 1999, the BAR issued Automotive Repair Dealer Registration  
26 Number ARD 205977 (registration) to Orange Parsco LTD, Mehdi Mahdavi, President, doing  
27 business as Smog Pro (Respondent). The registration was in full force and effect at all times  
28 relevant to the charges brought herein and will expire on July 31, 2013, unless renewed.



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

4 7. Bus. & Prof. Code section 9884.13 provides, in pertinent part, that the expiration of a  
5 valid registration shall not deprive the Director of jurisdiction to proceed with a disciplinary  
6 proceeding against an automotive repair dealer or to render a decision temporarily or permanently  
7 invalidating (suspending or revoking) a registration.

8 8. Health and Safety Code (Health & Saf. Code) section 44002 provides, in pertinent  
9 part, that the Director has all the powers and authority granted under the Automotive Repair Act  
10 for enforcing the Motor Vehicle Inspection Program.

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

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

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

16 . . . .

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

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

20 . . . .

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

25 11. Health & Saf. Code section 44072.8 states:

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

1 **STATUTORY PROVISIONS**

2 12. Health & Saf. Code section 44012 provides, in pertinent part, that the test at the smog  
3 check stations shall be performed in accordance with procedures prescribed by the department,  
4 and pursuant to Section 44013.

5 **REGULATORY PROVISIONS**

6 13. California Code of Regulations, Title 16, (CCR) section 3340.35, provides, in  
7 pertinent part, that a licensed station shall issue a certificate of compliance . . . to the owner or  
8 operator of any vehicle that has been inspected in accordance with the procedures specified in  
9 section 3340.42 of this article and has all the required emission control equipment and devices  
10 installed and functioning correctly.

11 14. CCR, section 3340.42, provides, in pertinent part, that smog check stations and smog  
12 check technicians shall conduct tests and inspections in accordance with the bureau's BAR 97  
13 Emissions Inspection System Specifications referenced in subsections (a) and (b) of Section  
14 3340.17.

15 **COST RECOVERY**

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

20 **UNDERCOVER OPERATION – JUNE 20, 2012**

21 16. On or about June 20, 2012, a Bureau undercover operator (operator) drove a Bureau  
22 documented 1989 Chevrolet C2500 pickup truck to Respondent's facility and requested a smog  
23 inspection. The vehicle was missing the Thermostatic Air Cleaner (TAC) system, rendering the  
24 vehicle incapable of passing a smog inspection. The operator completed and signed Estimate No.  
25 [REDACTED] and was provided with a copy. Respondent performed the smog inspection and issued  
26 electronic Certificate of Compliance No. [REDACTED] certifying that Respondent had tested and  
27 inspected the vehicle and that it was in compliance with applicable laws and regulations when, in  
28 fact, the vehicle could not have passed the visual portion of the smog inspection because the

1 vehicle's TAC system was missing. The operator paid Respondent \$73.20, and was provided  
2 with a copy of Invoice No. [REDACTED] and a Vehicle Inspection Report.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Untrue or Misleading Statements)**

5 17. Respondent's registration is subject to disciplinary action pursuant to Bus. & Prof.  
6 Code section 9884.7, subdivision (a) (1), in that Respondent made or authorized statements which  
7 he knew or in the exercise of reasonable care should have known to be untrue or misleading, as  
8 set forth in paragraph 16, above. Respondent certified that the Chevrolet had passed inspection  
9 and was in compliance with applicable laws and regulations. In fact, Respondent issued a  
10 certificate for the vehicle with a missing TAC system, and did not test or inspect the vehicle as  
11 required by Health & Saf. Code section 44012.

12 **SECOND CAUSE FOR DISCIPLINE**

13 **(Fraud)**

14 18. Respondent's registration is subject to disciplinary action pursuant to Bus. & Prof.  
15 Code section 9884.7, subdivision (a) (4), in that Respondent committed acts which constitute  
16 fraud, as set forth in paragraph 16, above. Respondent issued an electronic smog certificate of  
17 compliance for the Chevrolet without performing a bona fide inspection of the emission control  
18 devices and systems on the vehicle, thereby depriving the People of the State of California of the  
19 protection afforded by the Motor Vehicle Inspection Program.

20 **THIRD CAUSE FOR DISCIPLINE**

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

22 19. Respondent's smog check station license is subject to disciplinary action pursuant to  
23 Health & Saf. Code section 44072.2, subdivision (a), in that Respondent failed to comply with  
24 provisions of that Code, as set forth in paragraph 16, above.

25 a. **Section 44012:** Respondent failed to perform the emission control tests on the  
26 Chevrolet in accordance with procedures prescribed by the department.

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1 by the department), and California Code of Regulations, title 16, section 3340.35, subdivision (c)  
2 (issuing a certificate of compliance to a vehicle that was improperly tested), for issuing a  
3 certificate of compliance to a BAR undercover vehicle with a missing Positive Crankcase  
4 Ventilation (PCV) system. The BAR assessed civil penalties totaling \$1000 against Respondent  
5 for the violations. Respondent complied with this citation on October, 30, 2003.

6           b. On or about November 2, 2007, the BAR issued Citation No. C08-0443 against  
7 Respondent for violating Health and Safety Code section 44012, subdivision (f) (failure to  
8 determine that emission control devices and systems required by State and Federal law are  
9 installed and functioning correctly in accordance with test procedures), and California Code of  
10 Regulations, title 16, section 3340.35, subdivision (c) (issuing a certificate of compliance to a  
11 vehicle that was improperly tested), for issuing a certificate of compliance to a Bureau undercover  
12 vehicle with the ignition timing adjusted beyond specifications. The BAR assessed civil penalties  
13 totaling \$500 against Respondent for the violations. Respondent complied with this citation on  
14 November 29, 2007.

15           c. On or about October 27, 2009, the BAR issued Citation No. C2010-0415  
16 against Respondent for violating Health and Safety Code section 44012, subdivision (f) (failure to  
17 determine that emission control devices and systems required by State and Federal law are  
18 installed and functioning correctly in accordance with test procedures), and California Code of  
19 Regulations, title 16, section 3340.35, subdivision (c) (issuing a certificate of compliance to a  
20 vehicle that was improperly tested), for issuing a certificate of compliance to a BAR undercover  
21 vehicle with the ignition timing adjusted beyond specifications. The BAR assessed civil penalties  
22 totaling \$500 against Respondent for the violations. Respondent complied with this citation on  
23 November 19, 2009.

24           d. On or about July 15, 2010, the BAR issued Citation No. C2011-0058 against  
25 Respondent for violating Health and Safety Code section 44012, subdivision (f) (failure to  
26 perform a visual/functional check of emission control devices according to procedures prescribed  
27 by the department), and California Code of Regulations, title 16, section 3340.35, subdivision (c)  
28 (issuing a certificate of compliance to a vehicle that was improperly tested), for issuing a

1 certificate of compliance to a BAR undercover vehicle with a missing PCV system. The BAR  
2 assessed civil penalties totaling \$1,500 against Respondent for the violations. Respondent  
3 complied with this citation on August 2, 2010.

4 e. On or about November 10, 2011, the BAR issued Citation No. C2012-0451  
5 against Respondent for violating Health and Safety Code section 44012, subdivision (f) (failure to  
6 perform a visual/functional check of emission control devices according to procedures prescribed  
7 by the department), for issuing a certificate of compliance to a Bureau undercover vehicle with a  
8 missing PCV system. The BAR assessed civil penalties totaling \$1,500 against Respondent for  
9 the violations. Respondent complied with this citation on December 29, 2011.

10 **OTHER MATTERS**

11 23. Pursuant to Bus. & Prof. Code section 9884.7, subdivision (c), the director may  
12 suspend, revoke, or place on probation the registrations for all places of business operated in this  
13 state by Respondent Orange Parsco LTD, Mehdi Mahdavi, President, upon a finding that he has,  
14 or is, engaged in a course of repeated and willful violation of the laws and regulations pertaining  
15 to an automotive repair dealer.

16 24. Pursuant to Health and Saf. Code section 44072.8, if Smog Check Test Only Station  
17 License Number TC 205977, issued to Respondent Orange Parsco LTD, Mehdi Mahdavi,  
18 President, doing business as Smog Pro, is revoked or suspended, any additional license issued  
19 under this chapter in the name of said licensees may be likewise revoked or suspended by the  
20 director.

21 **PRAYER**

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

24 1. Revoking, suspending, or placing on probation Automotive Repair Dealer  
25 Registration No. ARD 205977, issued to Orange Parsco LTD, Mehdi Mahdavi, President, doing  
26 business as Smog Pro;

27 2. Revoking, suspending, or placing on probation any other automotive repair dealer  
28 registration issued to Orange Parsco LTD, Mehdi Mahdavi, President;

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3. Revoking or suspending Smog Check Test Only Station License Number TC 205977, issued to Orange Parsco LTD, Mehdi Mahdavi, President, doing business as Smog Pro;
4. Revoking or suspending any additional license issued under chapter 5, of the Health and Safety Code in the name of Orange Parsco LTD, Mehdi Mahdavi, President;
5. Ordering Orange Parsco LTD, Mehdi Mahdavi, President, doing business as Smog Pro to pay the Director of Consumer Affairs the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3;
6. Taking such other and further action as deemed necessary and proper.

DATED: 10/11/12

*John Wallauch*  
JOHN WALLAUCH  
Chief  
Bureau of Automotive Repair  
Department of Consumer Affairs  
State of California  
*Complainant*  
*DEVI DALVI*

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