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7

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. **77/14-36**

12 **JD AUTO REPAIR INC., DBA MANCHESTER**  
13 **BRAKE SMOG & AUTO CARE**  
14 **MANSOUR ALIAKBAR, PRESIDENT**  
15 **FARSHID ALIAKBAR, VICE PRESIDENT**  
16 **VIVIAN ALIAKBAR,**  
**SECRETARY/TREASURER**  
**2340 W. Manchester Blvd.**  
**Inglewood, CA 90305**

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

17 **Automotive Repair Dealer Reg. No. ARD 206488**  
18 **Smog Check Station License No. RC 206488**  
19 **Lamp Station License No. LS 206488**  
20 **Brake Station License No. BS 206488**

and

21 **FARSHID JOSEPH ALI AKBAR**  
22 **6019 W. 83<sup>rd</sup> Place,**  
**Los Angeles, CA 90045**  
23 **-and-**  
**P.O. Box 45413**  
**Los Angeles, CA 90045**

24 **Smog Check Inspector License No. EO 137614,**  
25 **Smog Check Repair Technician License No. EI**  
**137614, (formerly Advanced Emission Specialist**  
26 **Technician License No. EA137614)**  
**Brake Adjuster License No. BA 137614**  
27 **Lamp Adjuster License No. LA 137614**

28 Respondents.

1 Complainant alleges:

2 **PARTIES/LICENSE INFORMATION**

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

5 **JD Auto Repair Inc. dba Manchester Brake Smog & Auto Care,**

6 2. In or about 1999, the Director of Consumer Affairs ("Director") issued Automotive  
7 Repair Dealer Registration Number ARD 206488 ("registration") to JD Auto Repair Inc. dba  
8 Manchester Brake Smog & Auto Care, Mansour Aliakbar, President, Farshid Aliakbar, Vice  
9 President and Vivian Aliakbar, Secretary/Treasurer ("Respondent"). Respondent's registration  
10 was in full force and effect at all times relevant to the charges brought herein and will expire on  
11 August 31, 2014, unless renewed.

12 3. On or about September 30, 1999, the Director issued Smog Check Station License  
13 Number RC 206488 ("smog check station license") to Respondent. Respondent's smog check  
14 station license was in full force and effect at all times relevant to the charges brought herein and  
15 will expire on August 31, 2014, unless renewed.

16 4. On or about March 28, 2002, the Director issued Lamp Station License Number  
17 LS 206488 to Respondent. Respondent's lamp station license was in full force and effect at all  
18 times relevant to the charges brought herein and will expire on August 31, 2014, unless renewed.

19 5. On or about March 28, 2002, the Director issued Brake Station License Number  
20 BS 206488 to Respondent. Respondent's brake station license was in full force and effect at all  
21 times relevant to the charges brought herein and will expire on August 31, 2014, unless renewed.

22 **Farshid Joseph Ali Akbar**

23 6. In or about 1997, the Director issued Advanced Emission Specialist Technician  
24 License Number EA 137614 to Farshid Joseph Ali Akbar ("Respondent Farshid or Farshid"). The  
25 license was due to expire on or about February 28, 2013. Pursuant to California Code of  
26 Regulations title 16, section 3380.28, subdivision (e), the license was renewed, pursuant to  
27 Respondent Farshid's election as Smog Check Inspector License Number EO 137614 and Smog  
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1 Check Repair Technician License EI 137614 (“technician licenses”)<sup>1</sup>. The technician licenses  
2 were in full force and effect at all times relevant to the charges brought herein and will expire on  
3 February 28, 2015, unless renewed.

4 7. In or about 2006, the Director issued Brake Adjuster License Number BA 137614 to  
5 Farshid. Farshid's brake adjuster license was in full force and effect at all times relevant to the  
6 charges brought herein and will expire on February 28, 2014, unless renewed.

7 8. In or about 2001, the Director issued Lamp Adjuster License Number LA 137614 to  
8 Farshid. Farshid's lamp adjuster license was in full force and effect at all times relevant to the  
9 charges brought herein and will expire on February 28, 2014, unless renewed.

#### 10 JURISDICTION

11 9. Business and Professions Code (“Bus. & Prof. Code”) section 9884.7 provides that  
12 the Director may revoke an automotive repair dealer registration.

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

17 11. Bus. & Prof. Code section 9889.1 provides, in pertinent part, that the Director may  
18 suspend or revoke any license issued under Articles 5 and 6 (commencing with section 9887.1) of  
19 the Automotive Repair Act.

20 12. Bus. & Prof. Code section 9889.7 provides, in pertinent part, that the expiration or  
21 suspension of a license by operation of law or by order or decision of the Director or a court of  
22 law, or the voluntary surrender of a license shall not deprive the Director of jurisdiction to  
23 proceed with any disciplinary proceedings.

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25  
26 <sup>1</sup> Effective August 1, 2012, California Code of Regulations, title 16, sections 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/or Smog Check Repair Technician (EI) license.

1 13. Health and Safety Code (“Health & Saf. Code”) section 44002 provides, in pertinent  
2 part, that the Director has all the powers and authority granted under the Automotive Repair Act  
3 for enforcing the Motor Vehicle Inspection Program.

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

8 **STATUTORY PROVISIONS**

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

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

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

19 (2) Causing or allowing a customer to sign any work order which does  
20 not state the repairs requested by the customer or the automobile’s odometer reading  
21 at the time of repair.

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

24 (4) Any other conduct which constitutes fraud.

25 . . . . .

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

28 (7) Any willful departure from or disregard of accepted trade standards  
for good and workmanlike repair in any material respect, which is prejudicial to  
another without consent of the owner or his or her duly authorized representative . . .

16. Bus. & Prof. Code section 9889.3 states, in pertinent part:

The director may suspend, revoke, or take other disciplinary action  
against a license as provided in this article [Article 7 (commencing with section  
9889.1) of the Automotive Repair Act] if the licensee or any partner, officer, or  
director thereof:

(a) Violates any section of the Business and Professions Code which

relates to his or her licensed activities.

....

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

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

....

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

17. Bus. & Prof. Code section 9889.16 states:

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

18. Bus. & Prof. Code section 9889.9 states that “[w]hen any license has been revoked or suspended following a hearing under the provisions of this article [Article 7 (commencing with section 9889.1) of the Automotive Repair Act], any additional license issued under Articles 5 and 6 of this chapter in the name of the licensee may be likewise revoked or suspended by the director.”

19. Bus. & Prof. Code section 22, subdivision (a), states:

“Board” as used in any provision of this Code, refers to the board in which the administration of the provision is vested, and unless otherwise expressly provided, shall include “bureau,” “commission,” “committee,” “department,” “division,” “examining committee,” “program,” and “agency.”

20. Bus. & Prof. Code section 477, subdivision (b), states, in pertinent part, that a “license” includes “registration” and “certificate.”

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

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

4 . . . .

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

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

10 **REGULATORY PROVISIONS**

11 23. California Code of Regulations (“CCR”), title 16, section 3340.24, subdivision (c),  
12 states:

13 “The bureau may suspend or revoke the license of or pursue other legal action against a  
14 licensee, if the licensee falsely or fraudulently issues or obtains a certificate of compliance or a  
15 certificate of noncompliance.”

16 24. CCR, title 16, section 3340.30, subdivision (a), states that a licensed smog technician  
17 shall at all times “[i]nspect, test and repair vehicles, as applicable, in accordance with section  
18 44012 of the Health and Safety Code, section 44035 of the Health and Safety Code, and section  
19 3340.42 of this article.”

20 25. CCR, title 16, section 3340.35, subdivision (c), states that a licensed smog check  
21 station “shall issue a certificate of compliance or noncompliance to the owner or operator of any  
22 vehicle that has been inspected in accordance with the procedures specified in section 3340.42 of  
23 this article and has all the required emission control equipment and devices installed and  
24 functioning correctly.”

25 26. CCR, title 16, section 3340.41, subdivision (c), provides: “No person shall enter into  
26 the emissions inspection system any vehicle identification information or emission control system  
27 identification data for any vehicle other than the one being tested. Nor shall any person  
28

1 knowingly enter into the emissions inspection system any false information about the vehicle  
2 being tested.”

3 27. CCR, title 16, section 3340.42, sets forth specific emissions test methods and  
4 procedures which apply to all vehicles inspected in the State of California.

5 28. CCR, title 16, section 3340.28, subdivision (e), states that “[u]pon renewal of an  
6 unexpired Basic Area Technician license or an Advanced Emission Specialist Technician license  
7 issued prior to the effective date of this regulation, the licensee may apply to renew as a Smog  
8 Check Inspector, Smog Check Repair Technician, or both.”

#### 9 COST RECOVERY

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

#### 14 UNDERCOVER OPERATION #1: 2000 CHEVROLET

15 30. On or about April 22, 2013, an undercover operator of the Bureau ("operator") took  
16 the Bureau's 2000 Chevrolet to Respondent's facility and told Respondent's employee Vivian  
17 AliAkbar ("Vivian") that he needed a brake and lamp inspection for the vehicle. The rear brake  
18 drums on the Bureau-documented vehicle were oversized and not within the manufacturer's  
19 specifications. Both the headlamps were misadjusted and the backup lamps were non-operational  
20 with bad light bulbs. The operator signed a copy of a work order but did not receive a copy of  
21 any documents from Vivian. Vivian had the operator turn on all of the lights and turn signals as  
22 she walked around the vehicle. Vivian also had the operator put the vehicle in reverse and step on  
23 the brakes. Vivian told the operator that the reverse lights were not working and asked he could  
24 replace them. The operator told Vivian that he could replace the reverse lights if needed. Vivian  
25 then spoke to her son Farshid Joseph Ali Akbar ("Farshid") who told Vivian to give the operator a  
26 couple of light bulbs. Vivian gave the operator a couple of light bulbs, a screwdriver, and told the  
27 operator to replace the reverse lights and let her know if the lights were working. Vivian then  
28 came over to the vehicle, sat inside, and placed the transmission in reverse. She asked the

1 operator to check to see if the reverse lights were working and the operator told her they were.  
2 Vivian told Farshid that all of the lights were working and Farshid filled out the brake and lamp  
3 certificates.

4 31. The operator then paid Vivian \$80 and received copies of an invoice, Certificate of  
5 Brake Adjustment No. [REDACTED] and Certificate of Lamp Adjustment No. [REDACTED]. The  
6 operator never observed Respondent or anyone else at the facility test drive the vehicle, remove  
7 the wheels, check the brakes or adjust the headlight aim.

8 32. On or about April 23, 2013, the Bureau inspected the vehicle and found that the  
9 vehicle should not have received a lamp Certificate of Adjustment due to a right misadjusted  
10 headlamp. Neither headlamp had been adjusted as evidenced by the fact that the tamper indicators  
11 on the headlamp adjustment screws were still intact and the headlamps were still out of  
12 adjustment. The inspection further revealed that the vehicle should not have received a brake  
13 Certificate of Adjustment due to the fact that the vehicle was fitted with oversized rear brake  
14 drums that exceed the manufacturer's discard specification.

15 **FIRST CAUSE FOR DISCIPLINE**

16 **(Untrue or Misleading Statements)**

17 33. Respondent's registration is subject to disciplinary action pursuant to Bus. & Prof.  
18 Code section 9884.7, subdivision (a)(1), Respondent made or authorized statements which he  
19 knew or in the exercise of reasonable care should have known to be untrue or misleading, as  
20 follows:

21 a. Respondent certified under penalty of perjury on Brake Certificate No. [REDACTED]  
22 that the applicable inspection was performed on the brake system on the Bureau's 2000 Chevrolet  
23 . In fact, Respondent failed to inspect the brakes on the vehicle.

24 b. Respondent certified under penalty of perjury on Brake Certificate No. [REDACTED]  
25 that the rear brake drums on the Bureau's 2000 Chevrolet were in a satisfactory condition. In  
26 fact, the rear brake drums were oversized and beyond the manufacturer's drum discard diameter  
27 specifications.

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1 c. Respondent certified under penalty of perjury on Brake Certificate No. [REDACTED]  
2 that the Bureau's 2000 Chevrolet had a stopping distance of 8 feet from a speed of 20 miles per  
3 hour as a result of a road-test. In fact, Respondent never road tested the vehicle.

4 d. Respondent certified under penalty of perjury on Lamp Certificate No. [REDACTED]  
5 that the applicable adjustment had been performed on the lighting system on the Bureau's 2000  
6 Chevrolet. In fact, the right headlamp was out of adjustment.

7 **SECOND CAUSE FOR DISCIPLINE**

8 **(Fraud)**

9 34. Respondent's registration is subject to disciplinary action pursuant to Bus. & Prof.  
10 Code section 9884.7, subdivision (a)(4), Respondent committed acts constituting fraud, as  
11 follows: Respondent obtained payment from the operator for performing the applicable  
12 inspections, adjustments, or repairs of the brake and lighting systems on the Bureau's 2000  
13 Chevrolet as specified by the Bureau and in accordance with the Vehicle Code. In fact,  
14 Respondent failed to perform the necessary inspections, adjustments, and repairs in compliance  
15 with Bureau Regulations or the Vehicle Code.

16 **THIRD CAUSE FOR DISCIPLINE**

17 **(Failure to Comply with the Bus. & Prof. Code)**

18 35. Respondent's registration is subject to disciplinary action pursuant to Bus. & Prof.  
19 Code section 9884.7, subdivision (a)(6), in that Respondent failed to comply with section 9889.16  
20 of that Code in a material respect, as follows: Respondent issued Brake Certificate No.  
21 [REDACTED] and Lamp Certificate No. [REDACTED] as to the Bureau's 2000 Chevrolet when the  
22 vehicle was not in compliance with Bureau Regulations or the requirements of the Vehicle Code.

23 **FOURTH CAUSE FOR DISCIPLINE**

24 **(Violations of Regulations)**

25 36. Respondent's registration is subject to disciplinary action pursuant to Bus. & Prof.  
26 Code section 9884.7, subdivision (a)(6), in that Respondent failed to comply with provisions of  
27 California Code of Regulations, title 16, in the following material respects:  
28

1 a. **Section 3305, subdivision (a)**: Respondent failed to perform the inspection of the  
2 brake system and inspection and adjustment of the lighting system on the Bureau's 2000  
3 Chevrolet in accordance with the specifications, instructions, and directives issued by the Bureau  
4 and the vehicle manufacturer.

5 b. **Section 3316, subdivision (d)(2)**: Respondent issued Lamp Certificate No.  
6 [REDACTED] as to the Bureau's 2000 Chevrolet when all of the lamps, lighting equipment, and/or  
7 related electrical systems on the vehicle were not in compliance with Bureau regulations.

8 c. **Section 3321, subdivision (c)(2)**: Respondent issued Brake Certificate No.  
9 [REDACTED] as to the Bureau's 2000 Chevrolet when the brake system on the vehicle had not  
10 been completely tested or inspected.

11 d. **Section 3356, subdivisions (a)(2)(A) and (a)(2)(B)**: Respondent failed to state on  
12 the invoice that the license plate lamp bulbs had been replaced on the Bureau's 2000 Chevrolet .

13 **FIFTH CAUSE FOR DISCIPLINE**

14 **(Failure to Provide Customer with Copy of Signed Document)**

15 37. Respondent's registration is subject to disciplinary action pursuant to Code section  
16 9884.7, subdivision (a)(3), in that Respondent's employee, Vivian, failed to provide the operator  
17 with a copy of the work order as soon as the operator signed the document.

18 **SIXTH CAUSE FOR DISCIPLINE**

19 **(Failure to Comply with the Bus. & Prof. Code)**

20 38. Respondent's brake and lamp station licenses are subject to disciplinary action  
21 pursuant to Bus. & Prof. Code section 9889.3, subdivisions (a) and (h), in that Respondent  
22 violated Bus. & Prof. Code section 9889.16 relating to his licensed activities, as set forth in  
23 paragraphs 30-32 above.

24 **SEVENTH CAUSE FOR DISCIPLINE**

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

26 39. Respondent's brake and lamp station licenses are subject to disciplinary action  
27 pursuant to Bus. & Prof. Code section 9889.3, subdivision (c), in that Respondent failed to  
28 comply with the provisions of California Code of Regulations, title 16, sections 3305, subdivision

1 (a), 3316, subdivision (d)(2), 3321, subdivision (c)(2), and 3356, subdivisions (a)(2)(A) and  
2 (a)(2)(B), as set forth in paragraphs 30-32 above.

3 **EIGHTH CAUSE FOR DISCIPLINE**

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

5 40. Respondent's brake and lamp station licenses are subject to disciplinary action  
6 pursuant to Bus. & Prof. Code section 9889.3, subdivision (d), in that Respondent committed acts  
7 involving dishonesty, fraud, or deceit whereby another was injured, as set forth in paragraphs 30-  
8 32 above.

9 **NINTH CAUSE FOR DISCIPLINE**

10 **(Failure to Comply with the Bus. & Prof. Code)**

11 41. Respondent Farshid's brake and lamp adjuster licenses are subject to disciplinary  
12 action pursuant to Bus. & Prof. Code section 9889.3, subdivisions (a) and (h), in that Respondent  
13 violated Bus. & Prof. Code section 9889.16 relating to his licensed activities, as set forth in  
14 paragraphs 30-32 above.

15 **TENTH CAUSE FOR DISCIPLINE**

16 **(Violations of Regulations)**

17 42. Respondent Farshid's brake and lamp adjuster licenses are subject to disciplinary  
18 action pursuant to Bus. & Prof. Code section 9889.3, subdivision (c), in that he failed to comply  
19 with the provisions of California Code of Regulations, title 16, sections 3305, subdivision (a),  
20 3316, subdivision (d)(2), 3321, subdivision (c)(2), and 3356, subdivisions (a)(2)(A) and (a)(2)(B),  
21 as set forth in paragraphs 30-32 above.

22 **UNDERCOVER OPERATION #2: 1986 CHEVROLET**

23 43. On or about May 23, 2013, an undercover operator of the Bureau ("operator") took  
24 the Bureau's 1986 Chevrolet to Respondent's facility. The 1986 Chevrolet had previously been  
25 documented by the Bureau and as part of the documentation process the Bureau had installed on  
26 the vehicle undersized front brake rotors not within manufacturer specifications. Further, both  
27 headlamps on the vehicle were misadjusted and the license plate bulb was defective and non-  
28 operational.







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**SEVENTEENTH CAUSE FOR DISCIPLINE**

**(Failure to Comply with Regulations)**

53. Respondent's brake and lamp station licenses are subject to disciplinary action pursuant to Bus. & Prof. Code section 9889.3, subdivision (c), in that Respondent failed to comply with the provisions of California Code of Regulations, title 16, sections 3305, subdivision (a), 3316, subdivision (d)(2), and 3321, subdivision (c)(2), as set forth in paragraphs 43-46 above.

**EIGHTEENTH CAUSE FOR DISCIPLINE**

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

54. Respondent's brake and lamp station licenses are subject to disciplinary action pursuant to Bus. & Prof. Code section 9889.3, subdivision (d), in that Respondent committed acts involving dishonesty, fraud, or deceit whereby another was injured, as set forth in paragraphs 43-46 above.

**NINETEENTH CAUSE FOR DISCIPLINE**

**(Failure to Comply with the Bus. & Prof. Code)**

55. Farshid's brake and lamp adjuster licenses are subject to disciplinary action pursuant to Bus. & Prof. Code section 9889.3, subdivisions (a) and (h), in that Respondent violated Bus. & Prof. Code section 9889.16 relating to his licensed activities, as set forth in paragraphs 43-46 above.

**TWENTIETH CAUSE FOR DISCIPLINE**

**(Violations of Regulations)**

56. Farshid's brake and lamp adjuster licenses are subject to disciplinary action pursuant to Bus. & Prof. Code section 9889.3, subdivision (c), in that he failed to comply with the provisions of California Code of Regulations, title 16, sections 3305, subdivision (a), 3316, subdivision (d)(2), and 3321, subdivision (c)(2), as set forth in paragraphs 43-46 above.

**UNDERCOVER OPERATION #3: 2000 TOYOTA**

57. On or about June 27, 2013, an undercover operator of the Bureau ("operator") took the Bureau's 2000 Toyota to Respondent's facility and told Respondent's employee Vivian that he needed a brake and lamp inspection and certificates for the vehicle. The rear brake drums on

1 the Bureau-documented vehicle were oversized and beyond the manufacturer's discard  
2 specifications, the parking brake was misadjusted so that it would not hold the vehicle on a slope,  
3 and both headlamps were out of adjustment. Further, the left rear tail light was not functioning.  
4 Vivian filled out an estimate and the operator gave her the DMV registration form for the vehicle.  
5 The operator completed a work order for the inspection but did not receive a copy of the work  
6 order.

7 58. Vivian handed the work order to Farshid who then filled out the brake and lamp  
8 Certificates of Adjustment. The operator then paid Vivian \$80 and received copies of an invoice,  
9 Certificate of Brake Adjustment No. [REDACTED] and Certificate of Lamp Adjustment No.

10 [REDACTED] The operator never observed Respondent or anyone else at the facility inspect the  
11 brakes, inspect the lights, test drive the vehicle or remove the wheels.

12 59. On or about July 1, 2013, the Bureau re-inspected the vehicle and found that the  
13 vehicle should not have received a lamp Certificate of Adjustment as both headlamps were still  
14 misadjusted and the left tail light was still defective and non-functioning. Further, the Bureau  
15 found that the vehicle should not have received a brake Certificate of Adjustment as both of the  
16 rear brake drums were oversized and exceeded manufacturer discard specifications. The Bureau  
17 also found that the wheels had not been removed from the vehicle.

18 **TWENTY-FIRST CAUSE FOR DISCIPLINE**

19 **(Untrue or Misleading Statements)**

20 60. Respondent's registration is subject to disciplinary action pursuant to Bus. & Prof.  
21 Code section 9884.7, subdivision (a)(1), Respondent made or authorized statements which he  
22 knew or in the exercise of reasonable care should have known to be untrue or misleading, as  
23 follows:

24 a. Respondent certified under penalty of perjury on Brake Certificate No. [REDACTED]  
25 that the applicable inspection was performed on the brake system on the Bureau's 2000 Toyota.  
26 In fact, Respondent failed to inspect the brakes on the vehicle.

27 b. Respondent certified under penalty of perjury on Brake Certificate No. [REDACTED]  
28 that the rear brake drums on the Bureau's 2000 Toyota were in a satisfactory condition. In fact,

1 the rear brake drums had been machined beyond the manufacturer's drum discard diameter  
2 specifications.

3 c. Respondent certified under penalty of perjury on Brake Certificate No. [REDACTED]  
4 that the Bureau's 2000 Toyota had a stopping distance of 8 feet from a speed of 20 miles per hour  
5 as a result of a road-test. In fact, Respondent never road tested the vehicle.

6 d. Respondent certified under penalty of perjury on Lamp Certificate No. [REDACTED]  
7 that the applicable adjustment and repair had been performed on the lighting system on the  
8 Bureau's 2000 Toyota. In fact, both headlamps were still misadjusted and the left tail light was  
9 still defective and non-functioning.

10 **TWENTY-SECOND CAUSE FOR DISCIPLINE**

11 **(Fraud)**

12 61. Respondent's registration is subject to disciplinary action pursuant to Bus. & Prof.  
13 Code section 9884.7, subdivision (a)(4), Respondent committed acts constituting fraud, as  
14 follows: Respondent obtained payment from the operator for performing the applicable  
15 inspections, adjustments, or repairs of the brake and lighting systems on the Bureau's 2000  
16 Toyota as specified by the Bureau and in accordance with the Vehicle Code. In fact, Respondent  
17 failed to perform the necessary inspections, adjustments, and repairs in compliance with Bureau  
18 Regulations or the Vehicle Code.

19 **TWENTY-THIRD CAUSE FOR DISCIPLINE**

20 **(Failure to Comply with the Bus. & Prof. Code)**

21 62. Respondent's registration is subject to disciplinary action pursuant to Bus. & Prof.  
22 Code section 9884.7, subdivision (a)(6), in that Respondent failed to comply with section 9889.16  
23 of that Code in a material respect, as follows: Respondent issued Brake Certificate No.  
24 [REDACTED] and Lamp Certificate No. [REDACTED] as to the Bureau's 2000 Toyota when the  
25 vehicle was not in compliance with Bureau Regulations or the requirements of the Vehicle Code.

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1 fraudulent, or deceitful acts whereby another is injured, as set forth in paragraphs 30-32, 43-46,  
2 and 57-59 above.

3 **THIRTY-SECOND CAUSE FOR DISCIPLINE**

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

5 71. Farshid's technician licenses are subject to disciplinary action pursuant to Health &  
6 Saf. Code section 44072.2, subdivision (d), in that Farshid committed dishonest, fraudulent, or  
7 deceitful acts whereby another is injured, as set forth in paragraphs 30-32, 43-46, and 57-59  
8 above.

9 **OTHER MATTERS**

10 72. Pursuant to Bus. & Prof. Code section 9884.7, subdivision (c), the Director may  
11 suspend, revoke or place on probation the registration for all places of business operated in this  
12 state by Respondent JD Auto Repair Inc. dba Manchester Brake Smog & Auto Care, Mansour  
13 Aliakbar, President, Farshid Aliakbar, Vice President and Vivian Aliakbar, Secretary/Treasurer,  
14 upon a finding that Respondent has, or is, engaged in a course of repeated and willful violations  
15 of the laws and regulations pertaining to an automotive repair dealer.

16 73. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Station License  
17 Number RC 206488, issued to Respondent JD Auto Repair Inc. dba Manchester Brake Smog &  
18 Auto Care, Mansour Aliakbar, President, Farshid Aliakbar, Vice President and Vivian Aliakbar,  
19 Secretary/Treasurer, is revoked or suspended, any additional license issued under Chapter 5 of the  
20 Health & Saf. Code in the name of said licensee may be likewise revoked or suspended by the  
21 Director.

22 74. Pursuant to Bus. & Prof. Code section 9889.9, if Lamp Station License Number  
23 LS 206488, issued to Respondent JD Auto Repair Inc. dba Manchester Brake Smog & Auto Care,  
24 Mansour Aliakbar, President, Farshid Aliakbar, Vice President and Vivian Aliakbar,  
25 Secretary/Treasurer, is revoked or suspended, any additional license issued under Articles 5 and 6  
26 of Chapter 20.3 of the Bus. & Prof. Code in the name of said licensee may be likewise revoked or  
27 suspended by the Director.

28 75. Pursuant to Bus. & Prof. Code section 9889.9, if Brake Station License Number

1 BS 206488, issued to Respondent JD Auto Repair Inc. dba Manchester Brake Smog & Auto Care,  
2 Mansour Aliakbar, President, Farshid Aliakbar, Vice President and Vivian Aliakbar,  
3 Secretary/Treasurer, is revoked or suspended, any additional license issued under Articles 5 and 6  
4 of Chapter 20.3 of the Bus. & Prof. Code in the name of said licensee may be likewise revoked or  
5 suspended by the Director.

6 76. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Inspector License  
7 No. EO 137614, and/or Smog Check Repair Technician License No. EI 137614, (formerly  
8 Advanced Emission Specialist Technician License No. EA137614), issued to Respondent Farshid  
9 Joseph Ali Akbar, is revoked or suspended, any additional license issued under Chapter 5 of the  
10 Health & Saf. Code in the name of said licensee may be likewise revoked or suspended by the  
11 Director.

12 77. Pursuant to Bus. & Prof. Code section 9889.9, if Brake Adjuster License Number  
13 BA 137614, issued to Respondent Farshid Joseph Ali Akbar, is revoked or suspended, any  
14 additional license issued under Articles 5 and 6 of Chapter 20.3 of the Bus. & Prof. Code in the  
15 name of said licensee may be likewise revoked or suspended by the Director.

16 78. Pursuant to Bus. & Prof. Code section 9889.9, if Lamp Adjuster License Number  
17 LA 137614, issued to Respondent Farshid Joseph Ali Akbar, is revoked or suspended, any  
18 additional license issued under Articles 5 and 6 of Chapter 20.3 of the Bus. & Prof. Code in the  
19 name of said licensee may be likewise revoked or suspended by the Director.

20 **PRAYER**

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

23 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD  
24 206488, issued to Respondent JD Auto Repair Inc. dba Manchester Brake Smog & Auto Care,  
25 Mansour Aliakbar, President, Farshid Aliakbar, Vice President and Vivian Aliakbar,  
26 Secretary/Treasurer;

- 1           2.     Revoking or suspending any other automotive repair dealer registration issued to  
2 Respondent JD Auto Repair Inc. dba Manchester Brake Smog & Auto Care, Mansour Aliakbar,  
3 President, Farshid Aliakbar, Vice President and Vivian Aliakbar, Secretary/Treasurer;
- 4           3.     Revoking or suspending Smog Check Station License Number RC 206488, issued to  
5 Respondent JD Auto Repair Inc. dba Manchester Brake Smog & Auto Care, Mansour Aliakbar,  
6 President, Farshid Aliakbar, Vice President and Vivian Aliakbar, Secretary/Treasurer;
- 7           4.     Revoking or suspending any additional license issued under Chapter 5 of the Health  
8 and Safety Code in the name of Respondent JD Auto Repair Inc. dba Manchester Brake Smog &  
9 Auto Care, Mansour Aliakbar, President, Farshid Aliakbar, Vice President and Vivian Aliakbar,  
10 Secretary/Treasurer;
- 11          5.     Revoking or suspending Smog Check Inspector License No. EO 137614, and Smog  
12 Check Repair Technician License No. EI 137614, (formerly Advanced Emission Specialist  
13 Technician License No. EA137614) issued to Farshid Joseph Ali Akbar;
- 14          6.     Revoking or suspending any additional license issued under Chapter 5 of the Health  
15 and Safety Code in the name of Farshid Joseph Ali Akbar;
- 16          7.     Revoking or suspending Lamp Station License Number LS 206488, issued to JD  
17 Auto Repair Inc. dba Manchester Brake Smog & Auto Care, Mansour Aliakbar, President,  
18 Farshid Aliakbar, Vice President and Vivian Aliakbar, Secretary/Treasurer;
- 19          8.     Revoking or suspending Brake Station License Number BS 206488, issued to  
20 Respondent JD Auto Repair Inc. dba Manchester Brake Smog & Auto Care, Mansour Aliakbar,  
21 President, Farshid Aliakbar, Vice President and Vivian Aliakbar, Secretary/Treasurer;
- 22          9.     Revoking or suspending any additional license issued under Articles 5 and 6 of  
23 Chapter 20.3 of the Business and Professions Code in the name of JD Auto Repair Inc. dba  
24 Manchester Brake Smog & Auto Care, Mansour Aliakbar, President, Farshid Aliakbar, Vice  
25 President and Vivian Aliakbar, Secretary/Treasurer;
- 26          10.    Revoking or suspending Brake Adjuster License Number BA 137614, issued to  
27 Farshid Joseph Ali Akbar;
- 28

1 11. Revoking or suspending Lamp Adjuster License Number LA 137614, issued to  
2 Farshid Joseph Ali Akbar;

3 12. Revoking or suspending any additional license issued under Articles 5 and 6 of  
4 Chapter 20.3 of the Business and Professions Code in the name of Farshid Joseph Ali Akbar;

5 13. Ordering Respondent JD Auto Repair Inc. dba Manchester Brake Smog & Auto Care,  
6 Mansour Aliakbar, President, Farshid Aliakbar, Vice President and Vivian Aliakbar,  
7 Secretary/Treasurer, and/or Farshid Joseph Ali Akbar to pay the Director of Consumer Affairs the  
8 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
9 Professions Code section 125.3;

10 14. Taking such other and further action as deemed necessary and proper.

11  
12 DATED: January 27, 2014 Patrick Dorais

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

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