

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

In the Matter of the Accusation Against:

**PINER AUTO & SMOG
MARYAM SABERI, OWNER**
990 Piner Road
Santa Rosa, CA 95403

Automotive Repair Dealer Registration
No. ARD 208528
Smog Check, Test Only, Station License
No. RC 208528
Lamp Station License No. LS 208528
Brake Station License No. BS 208528

AMIR ALI RASOULI
990 Piner Road
Santa Rosa, CA 95403

Advanced Emission Specialist Technician
License No. EA 133710
Brake Adjuster License No. BA 133710
Lamp Adjuster License No. LA 133710

and

DENNIS MICHAEL ANDERSON
2791 McBride Lane, #141
Santa Rosa, CA 95403

Advanced Emission Specialist Technician
License No. EA 094771

Respondents.

Case No. 79/12-107

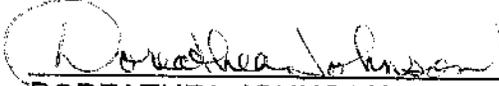
OAH No. 2012060874

DECISION

The attached Stipulated Settlement and Order as to Piner Auto & Smog, MaryAm Saberi, Owner, and Amir Ali Rasouli Only 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 respondents Piner Auto & Smog, Maryam Saberi, Owner, Automotive Repair Dealer Registration No. ARD 208528, Smog Check Station License No. RC 208528, Lamp Station License No. LS 208528, and Brake Station License No. BS 208528; and Amir Ali Rasouli, Advanced Emission Specialist Technician License No. EA 133710, Brake Adjuster License No. BA 133710, and Lamp Adjuster License No. LA 133710.

This Decision shall become effective 11/14/12

DATED: October 22, 2012


DOREATHEA JOHNSON
Deputy Director, Legal Affairs
Department of Consumer Affairs

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 SHANA A. BAGLEY
Deputy Attorney General
4 State Bar No. 169423
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-2129
Facsimile: (510) 622-2270
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. 79/12-107

13 **PINER AUTO & SMOG**
MARYAM SABERI, OWNER
14 **990 Piner Road**
Santa Rosa, CA 95403

OAH No. 2012060874

STIPULATED SETTLEMENT AND
ORDER AS TO PINER AUTO & SMOG,
MARYAM SABERI, OWNER, AND
AMIR ALI RASOULI ONLY

15 **Automotive Repair Dealer Reg. No. ARD**
208528
16 **Smog Check Station License No. RC 208528**
17 **Lamp Station License No. LS 208528**
Brake Station License No. BS 208528,

18 **AMIR ALI RASOULI**
19 **990 Piner Road**
Santa Rosa, CA 95403

20 **Advanced Emission Specialist Technician**
License No. EA 133710
21 **Brake Adjuster License No. BA 133710**
22 **Lamp Adjuster License No. LA 133710,**

23 **and**

24 **DENNIS MICHAEL ANDERSON**
2791 McBride Lane, #141
Santa Rosa, CA 95403

25 **Advanced Emission Specialist Technician**
26 **License No. EA 094771**

27 Respondents.
28

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. John Wallauch (Complainant) is the Chief of the Bureau of Automotive Repair. He
5 brought this action solely in his official capacity and is represented in this matter by Kamala D.
6 Harris, Attorney General of the State of California, by Shana A. Bagley, Deputy Attorney
7 General.

8 2. Piner Auto & Smog, Maryam Saberi, Owner, and Amir Ali Rasouli (Respondents)
9 are representing themselves in this proceeding and have chosen not to exercise their right to be
10 represented by counsel.

11 **Piner Auto & Smog; Maryam Saberi, Owner**

12 3. On or about January 26, 2000, the Director of Consumer Affairs (Director) issued
13 Automotive Repair Dealer Registration Number ARD 208528 (registration) to Maryam Saberi
14 (Respondent Saberi), owner of Piner Auto & Smog. Respondent Saberi's registration was in full
15 force and effect at all times relevant to the charges brought in Accusation No. 79/12-107 and will
16 expire on December 31, 2012, unless renewed.

17 4. On or about February 3, 2000, the Director issued Smog Check Station License
18 Number RC 208528 to Respondent Saberi. Respondent Saberi's smog check station license was
19 in full force and effect at all times relevant to the charges brought in Accusation No. 79/12-107
20 and will expire on December 31, 2012, unless renewed.

21 5. On or about December 4, 2002, the Director issued Lamp Station License Number LS
22 208528 to Respondent Saberi. Respondent Saberi's lamp station license was in full force and
23 effect at all times relevant to the charges brought in Accusation No. 79/12-107 and will expire on
24 December 31, 2012, unless renewed.

25 6. On or about December 4, 2002, the Director issued Brake Station License Number
26 BS 208528 to Respondent Saberi. Respondent Saberi's brake station license was in full force and
27 effect at all times relevant to the charges brought in Accusation No. 79/12-107 and will expire on
28 December 31, 2012, unless renewed.

1 and court review of an adverse decision; and all other rights accorded by the California
2 Administrative Procedure Act and other applicable laws.

3 13. Respondents voluntarily, knowingly, and intelligently waive and give up each and
4 every right set forth above.

5 CULPABILITY

6 14. Respondent Saberi admits the truth of each and every charge and allegation in
7 Accusation No. 79/12-107, agrees that cause exists for discipline and hereby agrees to revocation
8 of Automotive Repair Dealer Registration No. ARD208528 and Smog Check Station License No.
9 RC208528

10 15. Respondent Rasouli admits the truth of each and every charge and allegation in
11 Accusation No. 79/12-107, agrees that cause exists for discipline and hereby agrees to revocation
12 of Advanced Emission Specialist Technician License No. EA 133710.

13 16. Respondents understand that by signing this stipulation they enable the Director to
14 issue his order accepting the revocation of their Automotive Repair Dealer Registration, Smog
15 Check Station License, and Advanced Emission Specialist Technician License without further
16 process.

17 CONTINGENCY

18 17. This stipulation shall be subject to approval by the Director of Consumer Affairs or
19 his designee. Respondents understand and agree that counsel for Complainant and the staff of the
20 Bureau of Automotive Repair may communicate directly with the Director and staff of the
21 Department of Consumer Affairs regarding this stipulation and revocation, without notice to or
22 participation by Respondents. By signing the stipulation, Respondents understand and agree that
23 they may not withdraw their agreement or seek to rescind the stipulation prior to the time the
24 Director considers and acts upon it. If the Director fails to adopt this stipulation as the Decision
25 and Order, the Stipulated Revocation and Disciplinary Order shall be of no force or effect, except
26 for this paragraph, it shall be inadmissible in any legal action between the parties, and the
27 Director shall not be disqualified from further action by having considered this matter.
28

1 4. Respondents shall cause to be delivered to the Bureau their pocket licenses and, if
2 issued, their wall certificates on or before the effective date of the Decision and Order.

3 5. If Respondents ever file an application for licensure or a petition for reinstatement in
4 the State of California, the Bureau shall treat it as a new application for licensure. Respondents
5 must comply with all the laws, regulations and procedures for reinstatement of a revoked license
6 in effect at the time the petition is filed, and all of the charges and allegations contained in
7 Accusation No. 79/12-107 shall be deemed to be true, correct and admitted by Respondents when
8 the Director determines whether to grant or deny the petition.

9 6. Respondent Saberi and Respondent Rasoli shall be jointly and severally responsible
10 for the payment to the Bureau, pursuant to Business and Professions Code section 125.3, of the
11 full costs of investigation and enforcement in this matter in the amount of \$18,814.16. These
12 costs are the actual and total costs incurred by the Bureau to investigate and prosecute the case.
13 The Bureau agrees to waive recovery of these costs as to Respondent Saberi and Respondent
14 Rasouli. However, should Respondent Saberi apply for reinstatement of her Automotive Repair
15 Dealer Registration or Smog Check Test and Repair Station License, or for any new registration
16 or license with the Bureau, in which case Respondent Saberi shall pay these costs in full at the
17 time when such application is made. Should Respondent Rasouli apply for reinstatement of his
18 Advanced Emission Specialist Technician License, or for any new registration or license with the
19 Bureau, in which case Respondent Rasouli shall pay these costs in full at the time when such
20 application is made.

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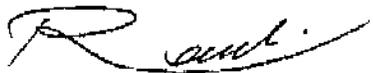
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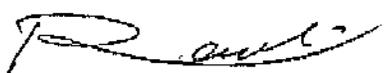
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ACCEPTANCE

I have carefully read the Stipulated Settlement and Order. I understand the stipulation and the effect it will have on my Automotive Repair Dealer Registration and Smog Check Test and Repair Station License. I enter into this Stipulated Settlement and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of Consumer Affairs. I have the authority to sign this Stipulation on behalf of Maryam Saberi, owner of Piner Auto & Smog, and to enter into this agreement on her behalf.

DATED: 8-17-2012 
AMIR RASOULI for MARYAM SABERI
Owner, PINER AUTO & SMOG
Respondent

I have carefully read the Stipulated Settlement and Order. I understand the stipulation and the effect it will have on my Advanced Emission Specialist Technician License. I enter into this Stipulated Settlement and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of Consumer Affairs.

DATED: 8-17-2012 
AMIR RASOULI
Respondent

ENDORSEMENT

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

Dated:

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
DIANN SOKOLOFF
Supervising Deputy Attorney General

SHANA A. BAGLEY
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 79/12-107

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 SHANA A. BAGLEY
Deputy Attorney General
4 State Bar No. 169423
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-2129
Facsimile: (510) 622-2270
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79/12-107

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15 **Automotive Repair Dealer Reg. No. ARD 208528**
Smog Check Station License No. RC 208528
16 **Lamp Station License No. LS 208528**
Brake Station License No. BS 208528,

ACCUSATION

(Smog Check)

17 **AMIR ALI RASOULI**
18 **990 Piner Road**
Santa Rosa, CA 95403
19 **Advanced Emission Specialist Technician**
License No. EA 133710
20 **Brake Adjuster License No. BA 133710**
Lamp Adjuster License No. LA 133710,

21 **and**

22 **DENNIS MICHAEL ANDERSON**
23 **2791 McBride Lane, #141**
Santa Rosa, CA 95403
24 **Advanced Emission Specialist Technician**
License No. EA 094771

25 Respondents.

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27 ///

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1 Complainant alleges:

2 **PARTIES/LICENSE INFORMATION**

3 1. John Wallauch ("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 **Piner Auto & Smog; Maryam Saberi, Owner**

6 2. On or about January 26, 2000, the Director of Consumer Affairs ("Director") issued
7 Automotive Repair Dealer Registration Number ARD 208528 ("registratinn") to Maryam Saberi
8 ("Respondent Saberi"), owner of Piner Auto & Smog. Respondent's registratinn was in full force
9 and effect at all times relevant to the charges brought herein and will expire on December 31,
10 2012, unless renewed.

11 3. On or about February 3, 2000, the Director issued Smog Check Station License
12 Number RC 208528 to Respodent Saberi. Respondent's smng check statinn license was in full
13 force and effect at all times relevant to the cbarges brought herein and will expire nn December
14 31, 2012, unless renewed.

15 4. On or about December 4, 2002, the Director issued Lamp Statinn License Number LS
16 208528 to Respondent Saberi. Respondent's lamp station license was in full farce and effect at all
17 times relevant to the cbarges hrought berein and will expire nn December 31, 2012, unless
18 renewed.

19 5. On or about December 4, 2002, the Director issued Brake Station License Number
20 BS 208528 tn Respondent Saberi. Respondent's brake station license was in full force and effect
21 at all times relevant to the charges brought herein and will expire on December 31, 2012, unless
22 renewed.

23 **Amir Ali Rasouli**

24 6. In or about 2003, the Director issued Advanced Emission Specialist Technician
25 License Number EA 133710 ("technician license") to Amir Ali Rasouli ("Respondent Rasouli" or
26 "Rasnuli"). Respondent's technician license was in full force and effect at all times relevant to
27 the charges brought herein and will expire on December 31, 2013, unless renewed.

28 ///

1 18. Bus. & Prof. Code section 9889.9 states that "[w]hen any license has been revoked or
2 suspended following a hearing under the provisions of this article [Article 7 (commencing with
3 section 9889.1) of the Automotive Repair Act], any additional license issued under Articles 5 and
4 6 of this chapter in the name of the licensee may be likewise revoked or suspended by the
5 director."

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

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

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

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

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

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

17

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

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

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

24 COST RECOVERY

25 23. Bus. & Prof. Code section 125.3 provides, in pertinent part, that a Board may request
26 the administrative law judge to direct a licensee found to have committed a violation or
27 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
28 and enforcement of the case.

1 VID DATA REVIEW

2 24. In November 2010, a representative of the Bureau conducted a detailed review of data
3 from the Bureau's VID (vehicle information database) for all smog check inspections performed
4 at Respondent Saberi's facility for the period of January 2010 through October 2011. The
5 representative found that vehicles 1 through 12, identified below, recorded certain diagnostic
6 trouble codes ("code") during the OBD II tests¹. The representative obtained documentation
7 showing that the codes were not applicable to the vehicles. Respondent Rasouli performed the
8 smog inspections on vehicles 1 through 9, 11 and 12; Respondent Anderson performed the smog
9 inspection on vehicle 10.

10

| Date & Time of Inspection | Vehicle Certified & License Number | Certificate No. |
|---------------------------------|---|-----------------|
| 1. 05/17/2010 16:59 - 17:16 | 1998 BMW 7-Series; License No. 5UOA686 | NU019137C |
| 2. 06/30/2010 15:49 - 16:40 | 1998 Ford Windstar; License No. 3VSH802 | NU570318C |
| 3. 07/13/2010 16:15 - 17:04 | 1997 Chevrolet Astro; License No. 4YFC834 | NU780841C |
| 4. 07/14/2010 16:29 - 16:39 | 1999 Nissan Maxima; no plates | NU851354C |
| 5. 07/19/2010 17:01 - 17:16 | 1996 Ford Explorer; License No. 5TTS580 | WL697123C |
| 6. 07/21/2010 12:17 - 12:42 | 1996 Honda Civic; License No. 5NKJ772 | NU851374C |
| 7. 07/21/2010 12:51 - 13:09 | 1999 Ford E250 Super Van; License No. 5DEX808 | WL697129C |
| 8. 07/21/2010 15:00 - 15:10 | 2003 Chrysler Sebring; License No. 4ZEG241 | NU851378C |
| 9. 07/26/2010 17:22 - 17:34 | 2000 Dodge Caravan; License No. 4NDW713 | WL867708C |
| 10. 01/31/2011 13:56 - 14:08 | 2003 Lexus IS300; License No. 4ZKX055 | OA311581C |

23

24 ¹ The On Board Diagnostics (OBD II) functional test is an automated function of the
25 BAR-97 analyzer. During the OBD II functional test, the technician is required to connect an
26 interface cable from the BAR-97 analyzer to a Diagnostic Link Connector (DLC) which is
27 located inside the vehicle. Through the DLC, the BAR-97 analyzer automatically retrieves
28 information from the vehicle's on-board computer about the status of the readiness indicators or
monitors, trouble codes, and the MIL. The readiness indicators/monitors ensure that the vehicle's
OBD system has properly evaluated the emissions systems of the vehicle. If the vehicle fails the
OBD II functional test, it will fail the overall inspection.

| Date & Time of Inspection | Vehicle Certified & License Number | Certificate No. |
|---------------------------------|--|-----------------|
| 11. 03/29/2011 17:09 - 17:19 | 1997 Plymouth Voyager; License No. 6NNK890 | OC146343C |
| 12. 04/14/2011 13:37 - 14:02 | 2005 Kia Rio; License No. 6LTJ603 | WT887470C |

25. The representative also obtained VID data showing that vehicles 1 through 3, 5, 7, 8, and 12, identified in paragraph 24 above, had undergone smog inspections prior and subsequent to the inspections referenced in paragraph 24, that the prior and subsequent inspections were performed by Saberi's facility as well as other smog check facilities, and that the vehicles failed the subsequent and prior inspections due, in part, to the OBD/MIL (malfunction indicator light) functional tests. The VID data indicated that the MIL had been commanded on during the inspections, that the technician performing the inspections had entered data into the Emissions Inspection System ("EIS") showing that the vehicles had failed the MIL functional check, and that certain codes were stored in the vehicles' PCM (power train control module) which were different from the codes stored in the vehicle's PCM during the inspections referenced in paragraph 24. The Bureau concluded that Respondents Rasouli and Anderson performed the smog inspections on the 12 vehicles identified in paragraph 24 above using a different vehicle during the OBD II tests, a method known as "clean plugging",² resulting in the issuance of fraudulent certificates of compliance for the vehicles.

26. In February and December 2011, the representative obtained copies of Respondent Saheri's records pertaining to the smog inspections on vehicles 1 through 4, 6 through 8, and 10 through 12, including estimates, invoices, and vehicle inspection reports. The facility did not produce any records relating to vehicles 5 and 9, although the documents had been requested by the Bureau.

² Clean-plugging is the use of the OBD II readiness monitor status and stored fault code (trouble code) status of a passing vehicle for the purpose of illegally issuing a smog certificate to another vehicle that is not in compliance due to a failure to complete the minimum number of self tests, known as monitors, or due to the presence of a stored fault code that indicates an emission control system or component failure.

1 FIRST CAUSE FOR DISCIPLINE

2 (Untrue or Misleading Statements)

3 27. Respondent Saberi's registration is subject to disciplinary action pursuant to Bus. &
4 Prof. Code section 9884.7, subdivision (a)(1), in that Respondent made or authorized statements
5 which she knew or in the exercise of reasonable care should have known to be untrue or
6 misleading, as follows:

7 a. Respondent Saberi's technician, Respondent Rasouli, certified that vehicles 1 through
8 9, 11, and 12, identified in paragraph 24 above, had passed inspection and were in compliance
9 with applicable laws and regulations. In fact, Rasouli conducted the inspections on the vehicles
10 using clean-plugging methods in that he substituted or used a different vehicle(s) during the OBD
11 II functional tests in order to issue smog certificates of compliance for the vehicles, and did not
12 test or inspect the vehicles as required by Health & Saf. Code section 44012.

13 b. Respondent Saberi's technician, Respondent Anderson, certified that vehicle 10,
14 identified in paragraph 24 above, had passed inspection and was in compliance with applicable
15 laws and regulations. In fact, Anderson conducted the inspection on the vehicle using clean-
16 plugging methods in that he substituted or used a different vehicle during the OBD II functional
17 test in order to issue a smog certificate of compliance for the vehicle, and did not test or inspect
18 the vehicle as required by Health & Saf. Code section 44012.

19 SECOND CAUSE FOR DISCIPLINE

20 (Fraud)

21 28. Respondent Saberi's registration is subject to disciplinary action pursuant to Bus. &
22 Prof. Code section 9884.7, subdivision (a)(4), in that Respondent committed acts constituting
23 fraud, as follows: Respondent Saberi issued electronic smog certificates of compliance for
24 vehicles 1 through 12, identified in paragraph 24 above, without ensuring that bona fide
25 inspections were performed of the emission control devices and systems on the vehicles, thereby
26 depriving the People of the State of California of the protection afforded by the Motor Vehicle
27 Inspection Program.

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1 Mode Results", which listed the same two codes referenced above. Rasouli told the operator that
2 "everything could be done" for \$500. The operator asked Daniel if the \$500 price included the
3 \$89. Daniel stated that the \$89 was not included. The operator told Daniel that he did not have
4 the \$500 and needed to make a phone call. Rasouli had the operator sign Invoice No. 10252,
5 totaling \$89, and gave him a copy. The invoice included a description of the proposed repairs,
6 the replacement of the MAF sensor and fuel filter and the fuel injection service, but did not state
7 an estimated price for the work. Later, the operator authorized the repairs on the vehicle.

8 40. On September 19, 2011, the operator returned to the facility, paid Rasouli \$500, and
9 received copies of Invoice No. 10280 and a VIR dated September 19, 2011, signed by Rasouli.
10 The VIR indicated that the vehicle passed the smog inspection, including the MIL test, resulting
11 in the issuance of electronic smog Certificate of Compliance No. OG604026C.

12 41. On September 23, 2011, the Bureau inspected the vehicle and found that there were
13 no codes stored in the vehicle's PCM and that only 1 of the 6 OBD II system monitors (self tests)
14 had run to completion. The Bureau performed a California Emissions Inspection Test on the
15 vehicle. The vehicle failed the MIL test and the overall inspection. The Bureau road-tested the
16 vehicle, then performed a diagnostic circuit check and system performance check. The same two
17 codes referenced in paragraph 39 above were stored in the vehicle's PCM and the MIL was
18 illuminated. The Bureau found that the vehicle's fuel pressure was still below specifications and
19 that the fuel injection pressure regulator was still in place on the vehicle. At the conclusion of
20 their investigation, the Bureau determined that Rasouli performed the smog inspection on the
21 vehicle using "clean plugging" methods, resulting in the issuance of a fraudulent certificate of
22 compliance, and that the facility performed unnecessary repairs.

23 **THIRTEENTH CAUSE FOR DISCIPLINE**

24 **(Untrue or Misleading Statements)**

25 42. Respondent Saberi's registration is subject to disciplinary action pursuant to Bus. &
26 Prof. Code section 9884.7, subdivision (a)(1), in that Respondent made or authorized statements

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1 which she knew or in the exercise of reasonable care should have known to be untrue or
2 misleading, as follows:

3 a. Respondent Saberi's technician, Respondent Rasouli, certified under penalty of
4 perjury on the VIR dated September 19, 2011, that he performed the smog inspection on the
5 Bureau's 2000 Chevrolet Tahoe in accordance with all Bureau requirements and that the vehicle
6 had passed the inspection and was in compliance with applicable laws and regulations. In fact,
7 Rasouli conducted the inspection on the vehicle using clean-plugging methods in that he
8 substituted or used a different vehicle during the OBD II functional test in order to issue a smog
9 certificate of compliance for the vehicle, and did not test or inspect the vehicle as required by
10 Health & Saf. Code section 44012. Further, all of the required OBD II system monitors had not
11 run to completion and as such, the vehicle would not pass the inspection required by Health &
12 Saf. Code section 44012.

13 b. Respondent Saberi's employees, Respondent Rasouli and/or Daniel, represented to
14 the operator that the MAF sensor on the Bureau's 2000 Chevrolet Tahoe was "bad", the fuel
15 injectors were "dirty", and the fuel filter needed replacement. In fact, the only repair needed on
16 the vehicle was the replacement of the fuel injection pressure regulator. Further, the MAF sensor
17 was functioning properly and was not in need of replacement, the fuel filter was new and was not
18 in need of replacement, and fuel injectors were new and were not in need of cleaning at the time
19 the vehicle was taken to Respondent's facility.

20 c. Respondent Saberi represented on Invoice Nos. 10252 and 10280 that the Bureau's
21 2000 Chevrolet Tahoe had a 4.6 liter 8-cylinder engine when, in fact, the vehicle has a 5.7 liter 8-
22 cylinder engine.

23 d. Respondent Saberi represented on Invoice No. 10280 that the odometer reading on
24 the Bureau's 2000 Chevrolet Tahoe was 113502 miles when, in fact, the odometer reading on the
25 vehicle was 95687 at the time it was taken to Respondent's facility.

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1 **FOURTEENTH CAUSE FOR DISCIPLINE**

2 (Fraud)

3 43. Respondent Saberi's registration is subject to disciplinary action pursuant to Bus. &
4 Prof. Code section 9884.7, subdivision (a)(4), in that Respondent committed acts constituting
5 fraud, as follows:

6 a. Respondent Saberi issued an electronic smog certificate of compliance for the
7 Bureau's 2000 Chevrolet Tahoe without ensuring that a bona fide inspection was performed of
8 the emission control devices and systems on the vehicle, thereby depriving the People of the State
9 of California of the protection afforded by the Motor Vehicle Inspection Program.

10 b. Respondent Saberi's employees, Respondent Rasouli and/or Daniel, made false or
11 misleading representations to the operator regarding the Bureau's 2000 Chevrolet Tahoe, as set
12 forth in subparagraph 42 (b) above, in order to induce the operator to purchase unnecessary
13 repairs on the vehicle, then sold the operator unnecessary repairs, including the replacement of
14 the MAF sensor and fuel filter and the fuel injection service.

15 **FIFTEENTH CAUSE FOR DISCIPLINE**

16 (Departure from Trade Standards)

17 44. Respondent Saberi's registration is subject to disciplinary action pursuant to Bus. &
18 Prof. Code section 9884.7, subdivision (a)(7), in that Respondent willfully departed from or
19 disregarded accepted trade standards for good and workmanlike repair without the consent of the
20 owner or the owner's duly authorized representative in the following material respects:
21 Respondent failed to diagnose, or properly diagnose, the defect in the emission control system(s)
22 on the Bureau's 2000 Chevrolet Tahoe, the reduced fuel pressure to the injectors, and failed to
23 replace the fuel injection pressure regulator.

24 **SIXTEENTH CAUSE FOR DISCIPLINE**

25 (Violations of the Bus. & Prof. Code)

26 45. Respondent Saberi's registration is subject to disciplinary action pursuant to Bus. &
27 Prof. Code section 9884.7, subdivision (a)(6), in that Respondent failed to comply with section
28 9884.9, subdivision (a), of that Code in a material respect, as follows: Respondent Saberi's

1 employee, Respondent Rasouli, failed to provide the operator with a written estimated price for
2 the additional repairs on the Bureau's 2000 Chevrolet Tahoe, the replacement of the MAF sensor
3 and fuel filter and the fuel injection service.

4 **SEVENTEENTH CAUSE FOR DISCIPLINE**

5 **(Violations of Regulations)**

6 46. Respondent Saberi's registration is subject to disciplinary action pursuant to Bus. &
7 Prof. Code section 9884.7, subdivision (a)(4), in that Respondent failed to comply with California
8 Code of Regulations, title 16, section 3356, subdivisions (a)(2)(A) and (a)(2)(B), in a material
9 respect, as follows: Respondent failed to record on Invoice No. 10280 the replacement of the fuel
10 filter on the Bureau's 2000 Chevrolet Tahoe.

11 **EIGHTEENTH CAUSE FOR DISCIPLINE**

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

13 47. Respondent Saberi's smog check station license is subject to disciplinary action
14 pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that Respondent failed to
15 comply with the following sections of that Code:

16 a. **Section 44012, subdivision (f)**: Respondent failed to ensure that the OBD II
17 functional test was performed on the Bureau's 2000 Chevrolet Tahoe in accordance with
18 procedures prescribed by the department.

19 b. **Section 44015**: Respondent issued an electronic smog certificate of compliance for
20 the Bureau's 2000 Chevrolet Tahoe without ensuring that the vehicle was properly tested and
21 inspected to determine if it was in compliance with Health & Saf. Code section 44012.

22 c. **Section 44016**: Respondent failed to perform the diagnosis and repair of the
23 emissions control system(s) on the Bureau's 2000 Chevrolet Tahoe in accordance with
24 established specifications and procedures.

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1 **NINETEENTH CAUSE FOR DISCIPLINE**

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

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

7 a. **Section 3340.35, subdivision (c)**: Respondent issued an electronic smog certificate
8 of compliance for the Bureau's 2000 Chevrolet Tahoe even though the vehicle had not been
9 inspected in accordance with section 3340.42.

10 b. **3340.41, subdivision (d)**: Respondent failed to follow applicable specifications and
11 procedures when performing the diagnosis and repairs on the Bureau's 2000 Chevrolet Tahoe.

12 c. **Section 3340.42, subdivision (e)(2)(F)**: Respondent failed to ensure that the OBD II
13 functional test was performed on the Bureau's 2000 Chevrolet Tahoe in accordance with the
14 Bureau's specifications.

15 **TWENTIETH CAUSE FOR DISCIPLINE**

16 (Dishonesty, Fraud or Deceit)

17 49. Respondent Saberi's smog check station license is subject to disciplinary action
18 pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent committed
19 dishonest, fraudulent or deceitful acts whereby another is injured, as set forth in paragraph 43
20 above.

21 **TWENTY-FIRST CAUSE FOR DISCIPLINE**

22 (Violations of the Motor Vehicle Inspection Program)

23 50. Respondent Rasouli's technician license is subject to disciplinary action pursuant to
24 Health & Saf. Code section 44072.2, subdivision (a), in that Respondent failed to comply with
25 section 44012, subdivision (f), of that Code in a material respect, as follows: Respondent failed
26 to perform the OBD II functional test on the Bureau's 2000 Chevrolet Tahoe in accordance with
27 procedures prescribed by the department.

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1 operator to purchase unnecessary repairs on the vehicle, then sold the operator unnecessary
2 repairs, including the replacement of the MAF sensor and fuel filter and the fuel injection service.

3 **TWENTY-FOURTH CAUSE FOR DISCIPLINE**

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

5 53. Respondent Saberi'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 28
8 and 43 above.

9 **TWENTY-FIFTH CAUSE FOR DISCIPLINE**

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

11 54. Respondent Rasouli's lamp and brake adjuster licenses are subject to disciplinary
12 action pursuant to Bus. & Prof. Code section 9889.3, subdivision (d), in that Respondent
13 committed acts involving dishonesty, fraud, or deceit whereby another was injured, as set forth in
14 paragraphs 35 and 51 above.

15 **MATTERS IN AGGRAVATION**

16 55. To determine the degree of discipline, if any, to be imposed on Respondent Saberi,
17 Complainant alleges as follows: On or about October 28, 2009, the Bureau issued Citation No.
18 C2010-0416 against Respondent for violations of Health & Saf. Code section 44012, subdivision
19 (f) (failure to determine that emission control devices and systems required by State and Federal
20 law are installed and functioning correctly in accordance with test procedures); and California
21 Code of Regulations, title 16, section 3340.35, subdivisinn (c) (issuing a certificate of compliance
22 to a vehicle that was improperly tested). On or about September 24, 2009, Respondent issued a
23 certificate of compliance to a Bureau undercover vehicle with the ignition timing adjusted beyond
24 specifications. The Bureau assessed civil penalties totaling \$500 against Respondent for the
25 violations. Respondent appealed the citation, but it was affirmed with an effective date of March
26 9, 2011. Respondent paid the citation on March 1, 2011.

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OTHER MATTERS

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2 56. Pursuant to Bus. & Prof. Code section 9884.7, subdivision (c), the Director may
3 suspend, revoke, or place on probation the registration for all places of business operated in this
4 state by Respondent Maryam Saberi, owner of Piner Auto & Smog, upon a finding that
5 Respondent has, or is, engaged in a course of repeated and willful violations of the laws and
6 regulations pertaining to an automotive repair dealer.

7 57. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Station License
8 Number RC 208528, issued to Respondent Maryam Saberi, owner of Piner Auto & Smog, is
9 revoked or suspended, any additional license issued under this chapter in the name of said
10 licensee may be likewise revoked or suspended by the director.

11 58. Pursuant to Bus. & Prof. Code section 9889.9, if Lamp Station License Number
12 LS 208528, issued to Respondent Maryam Saberi, owner of Piner Auto & Smog, is revoked or
13 suspended, any additional license issued under Articles 5 and 6 of Chapter 20.3 of the Bus. &
14 Prof. Code in the name of said licensee may be likewise revoked or suspended by the Director.

15 59. Pursuant to Bus. & Prof. Code section 9889.9, if Brake Station License Number
16 BS 208528, issued to Respondent Maryam Saberi, owner of Piner Auto & Smog, is revoked or
17 suspended, any additional license issued under Articles 5 and 6 of Chapter 20.3 of the Bus. &
18 Prof. Code in the name of said licensee may be likewise revoked or suspended by the Director.

19 60. Pursuant to Health & Saf. Code section 44072.8, if Advanced Emission Specialist
20 Technician License Number EA 133710, issued to Amir Ali Rasouli, is revoked or suspended,
21 any additional license issued under this chapter in the name of said licensee may be likewise
22 revoked or suspended by the director.

23 61. Pursuant to Bus. & Prof. Code section 9889.9, if Brake Adjuster License Number BA
24 133710, issued to Respondent Amir Ali Rasouli, is revoked or suspended, any additional license
25 issued under Articles 5 and 6 of Chapter 20.3 of the Bus. & Prof. Code in the name of said
26 licensee may be likewise revoked or suspended by the Director.

27 62. Pursuant to Bus. & Prof. Code section 9889.9, if Lamp Adjuster License Number LA
28 133710, issued to Respondent Amir Ali Rasouli, is revoked or suspended, any additional license

1 issued under Articles 5 and 6 of Chapter 20.3 of the Bus. & Prof. Code in the name of said
2 licensee may be likewise revoked or suspended by the Director.

3 63. Pursuant to Health & Saf. Code section 44072.8, if Advanced Emission Specialist
4 Technician License Number EA 094771, issued to Respondent Dennis Michael Anderson, is
5 revoked or suspended, any additional license issued under this chapter in the name of said
6 licensee may be likewise revoked or suspended by the director.

7 **PRAYER**

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

10 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
11 208528, issued to Maryam Saberi, owner of Piner Auto & Smog;

12 2. Revoking or suspending any other automotive repair dealer registration issued to
13 Maryam Saberi;

14 3. Revoking or suspending Smog Check Station License Number RC 208528, issued to
15 Maryam Saberi, owner of Piner Auto & Smog;

16 4. Revoking or suspending any additional license issued under Chapter 5 of the Health
17 and Safety Code in the name of Maryam Saberi;

18 5. Revoking or suspending Lamp Station License Number LS 208528, issued to
19 Maryam Saberi, owner of Piner Auto & Smog;

20 6. Revoking or suspending Brake Station License Number BS 208528, issued to
21 Maryam Saberi, owner of Piner Auto & Smog;

22 7. 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 Maryam Saberi;

24 8. Revoking or suspending Advanced Emission Specialist Technician License Number
25 EA 133710, issued to Amir Ali Rasouli;

26 9. Revoking or suspending any additional license issued under Chapter 5 of the Health
27 and Safety Code in the name of Amir Ali Rasouli;

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- 10. Revoking or suspending Brake Adjuster License Number BA 133710, issued to Amir Ali Rasouli;
- 11. Revoking or suspending Lamp Adjuster License Number LA 133710, issued to Amir Ali Rasouli;
- 12. Revoking or suspending any additional license issued under Articles 5 and 6 of Chapter 20.3 of the Business and Professions Code in the name of Amir Ali Rasouli;
- 13. Revoking or suspending Advanced Emission Specialist Technician License Number EA 094771, issued to Dennis Michael Anderson;
- 14. Revoking or suspending any additional license issued under Chapter 5 of the Health and Safety Code in the name of Dennis Michael Anderson;
- 15. Ordering Maryam Saberi, owner of Piner Auto & Smog, Amir Ali Rasouli, and Dennis Michael Anderson to pay the Director of Consumer Affairs the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
- 16. Taking such other and further action as deemed necessary and proper.

DATED: 3/30/12

John Wallauch by [Signature]
 JOHN WALLAUCH
 Chief
 Bureau of Automotive Repair
 Department of Consumer Affairs
 State of California
 Complainant

DOUG BALATI

SF2012401450