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

10
11 In the Matter of the Accusation Against:

Case No. 79/12-76

12 **ATLANTIC TEST ONLY CENTER**
300 S. Atlantic Blvd
13 **Los Angeles, CA 90022**
ALEX SIRANI, OWNER
14 **Automotive Repair Dealer Registration No. ARD 213876**
Smog Check Test Only Station License No. TC 213876

A C C U S A T I O N

S M O G C H E C K

15 Respondent.
16

17 Complainant alleges:

18 **PARTIES**

19 1. Sherry Mehl ("Complainant") brings this Accusation solely in her official capacity as
20 the Chief of the Bureau of Automotive Repair ("Bureau"), Department of Consumer Affairs.

21 **Automotive Repair Dealer Registration**

22 2. On a date uncertain in 2000, the Bureau issued Automotive Repair Dealer
23 Registration Number ARD 213876 ("registration") to Alex Sirani ("Respondent"), doing business
24 as Atlantic Test Only Center. The registration expired on November 30, 2009.

25 **Smog Check Test Only Station License**

26 3. On or about January 12, 2007, the Bureau issued Smog Check Test Only Station
27 License Number TC 213876 ("station license") to Respondent. The station license expired on
28 November 30, 2009.

1 **STATUTORY PROVISIONS**

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

5 5. Section 44050 of the Health and Safety Code states, in pertinent part:

6 (a) In addition to or in lieu of any other remedy or penalty, including, but
7 not limited to, education, training, or an office conference, the department may issue
8 a citation to a licensee, contractor, or fleet owner for a violation of the requirements
9 of this chapter or a regulation adopted pursuant to this chapter. The citation may
10 contain an order of abatement or the assessment of an administrative fine, or both.

11 (e) Failure to comply with an order of abatement or payment of an
12 administrative fine issued by the department pursuant to this section is grounds for
13 suspension or revocation of the license, or placing the license on probation.

14 6. Section 44055 of the Health and Safety Code, subdivision (b) states:

15 (b) The department may deny an application for the renewal of a test
16 station or repair station license if the applicant, or any partner, officer, or director
17 thereof, has failed to pay any civil penalty or administrative fine in accordance with
18 this article.

19 7. Section 44072.6 of the Health and Safety Code provides, in pertinent part, that the
20 expiration or suspension of a license by operation of law, or by order or decision of the Director
21 of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive
22 the Director of jurisdiction to proceed with disciplinary action.

23 8. Section 44072.8 of the Health and Safety Code states:

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

27 **COST RECOVERY**

28 9. Section 125.3 of the Code provides, in pertinent part, that a Board may request the
administrative law judge to direct a licentiate found to have committed a violation or violations of
the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
enforcement of the case.

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1 3. Ordering Alex Sirani to pay the Bureau of Automotive Repair the reasonable costs of
2 the investigation and enforcement of this case, pursuant to Business and Professions Code section
3 125.3; and,

4 4. Taking such other and further action as deemed necessary and proper.

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7 DATED: _____

2/8/12



SHERRY MEHL
Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant

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