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

In the Matter of the Accusation Against: **EXPERT AUTO CLINIC; MKRTICH MIKE ZOURNACHYAN** **14510 Bessemer St.** **Van Nuys, CA 91411** **Automotive Repair Dealer Registration No. ARD 231854** **Smog Check Station License No. RC 231854** **Lamp Station License No. LS 231854** Respondent.	Case No. 77/14-43 **DEFAULT DECISION AND ORDER** [Gov. Code, §11520]

FINDINGS OF FACT

1. On or about February 20, 2014, Complainant Patrick Dorais, in his official capacity as the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs, filed Accusation No. 77/14-43 against Expert Auto Clinic; Mkrtich Mike Zournachyan (Respondent) before the Director of Consumer Affairs. (Accusation attached as Exhibit A.)

2. On or about April 9, 2004, the Bureau of Automotive Repair (Bureau) issued Automotive Repair Dealer Registration No. ARD 231854 to Respondent. The Automotive Repair Dealer Registration was in full force and effect at all times relevant to the charges brought

in Accusation No. 77/14-43 and will expire on February 28, 2015, unless otherwise suspended or revoked.

3. On or about December 3, 2004, the Bureau of Automotive Repair issued Smog Check Station License No. RC 231854 to Respondent. The Smog Check Station License was in full force and effect at all times relevant to the charges brought in Accusation No. 77/14-43 and will expire on February 28, 2015, unless otherwise suspended or revoked.

4. On or about September 22, 2005, the Bureau of Automotive Repair issued Lamp Station License No. LS 231854 to Respondent. The Lamp Station License was in full force and effect at all times relevant to the charges brought in Accusation No. 77/14-43 and will expire on February 28, 2015, unless otherwise suspended or revoked.

5. On or about September 22, 2005, the Bureau of Automotive Repair issued Brake Station License No. BS 231854 to Respondent. The Brake Station License was in full force and effect at all times relevant to the charges brought in Accusation No. 77/14- and will expire on February 28, 2015, unless otherwise suspended or revoked.

6. On or about February 27, 2014, Respondent was served by Certified and First Class Mail copies of the Accusation No. 77/14-43, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code section 136, is required to be reported and maintained with the Bureau. Respondent's address of record was and is: 14510 Bessemer St.; Van Nuys, CA 91411.

7. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c) and/or Business & Professions Code section 124.

8. Government Code section 11506 states, in pertinent part:

> (c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

9. Respondent failed to file a Notice of Defense within 15 days after service upon him of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No. 77/14-43.

10. California Government Code section 11520 states, in pertinent part:

> (a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent.

11. Pursuant to its authority under Government Code section 11520, the Director after having reviewed the proof of service dated March 7, 2014, signed by Lisa Robinson finds Respondent is in default. The Director will take action without further hearing and, based on Accusation, No. 77/14-43, proof of service and on the Investigative Report signed by Bureau Representative Cameron Loessberg, Jr., case IN 2012 20256, finds that the allegations in Accusation are true.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Expert Auto Clinic; Mkrtich Mike Zournachyan has subjected his Automotive Repair Dealer Registration No. ARD 231854, Smog Check Station License No. RC 231854, Brake Station License No. BS 231854 and Lamp Station License No. LS 231854, each and all to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Director of Consumer Affairs is authorized to revoke Respondent's Automotive Repair Dealer Registration No. ARD 231854, Smog Check Station License No. RC 231854, Brake Station License No. BS 231854 and Lamp Station License No. LS 231854, based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Investigative Report of Bureau Representative Cameron Loessberg, Jr. in this case.

a. FIRST CAUSE FOR DISCIPLINE

(Untrue or Misleading Statements)

1. Respondent is subject to disciplinary action under section 9884.7 subd. (a) (1) in that he made or authorized untrue or misleading statements that he knew or by exercise of reasonable

care should have known were untrue or misleading as alleged in paragraphs 20 through 33 of the Accusation that are incorporated by reference as though fully set forth .

b. SECOND CAUSE FOR DISCIPLINE

(Issuance of Official Lamp Adjustment Certificate When Unlicensed)

2. Respondent is subject to disciplinary action under section 9888.3 in conjunction with Title 16 California Code of Regulations sec. 3308 in that Respondent failed to cease the functions of a Lamp Station while it did not have the services of a validly licensed lamp adjuster. The circumstances are as alleged in paragraphs 32 through 33 of the Accusation that are incorporated by reference as though fully set forth .

c. THIRD CAUSE FOR DISCIPLINE

(False Statements or Entries in an Oath, Affidavit or Certificate of Compliance)

3. Respondent is subject to disciplinary action under sections 9884.7, subd. (a)(6) and 9889.22 in conjunction with Title 16 California Code of Regulations sec. 3308 in that Respondent's employee Paronyan made false statements that he was properly licensed as a lamp adjuster in the certificates issued by Respondent. The circumstances are as alleged in paragraphs 32 through 33 of the Accusation that are incorporated by reference as though fully set forth .

d. FOURTH CAUSE FOR DISCIPLINE

(Violation of Statute Relating to Licensed Activities)

4. Respondent is subject to disciplinary action under sections 9889.3 subd. (a) and (h) for violation of section 9889.22 in conjunction with Title 16 California Code of Regulations sec. 3308 in that Respondent's employee Paronyan made false statements that he was properly licensed as a lamp adjuster in the certificates issued by Respondent. The circumstances are as alleged in paragraphs 32 through 33 of the Accusation that are incorporated herein by reference as though fully set forth.

e. FIFTH CAUSE FOR DISCIPLINE

(Violation of Regulation Relating to Licensed Activities)

5. Respondent is subject to disciplinary action under sections 9889.3 subd. (c) for violation of section 9888.3 in conjunction with Title 16 California Code of Regulations sec. 3308

in that Respondent was required by law to cease the licensed functions of a Lamp Station while it did not have the services of a validly licensed lamp adjuster. The circumstances are as alleged in paragraphs 32 through 33 of the Accusation that are incorporated herein by reference as though fully set forth.

f. SIXTH CAUSE FOR DISCIPLINE

(Aiding and Abetting Violation of Regulation Relating to Licensed Activities)

6. Respondent is subject to disciplinary action under sections 9889.3 subd. (f) for aiding and abetting an unlicensed person, Khatchik Paronyan, to evade the provisions of the Automotive Repair Act relating to lamp inspections. The circumstances are as alleged in the paragraphs 20, 29 and 32 through 33 of the Accusation that are incorporated herein by reference as though fully set forth.

ORDER

IT IS SO ORDERED that Automotive Repair Dealer Registration No. ARD 231854, Smog Check Station License No. RC 231854, Brake Station License No. BS 231854 and Lamp Station License No. LS 231854, heretofore issued to Respondent Expert Auto Clinic; Mkrtich Mike Zournachyan, are each and all revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The motion should be sent to the Bureau of Automotive Repair, ATTN: William D. Thomas, 10220 Systems Parkway,. Sacramento, CA 95827. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on July 18, 2014.

It is so ORDERED June 27, 2014

DONALD CHANG
Assistant Chief Counsel
Department of Consumer Affairs

51513943.DOCX
DOJ Matter ID:LA2013510468

Attachments:

Exhibit A: Accusation

Exhibit B: Proof of Service of Accusation and Signed Certified Return Receipt

Exhibit C: Declaration of Cameron Loessberg, Jr.

Exhibit A

. Accusation

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

In the Matter of the Accusation Against: **EXPERT AUTO CLINIC; MKRTICH MIKE ZOURNACHYAN, owner** **14510 Bessemer St.** **Van Nuys, CA 91411** **Automotive Repair Dealer Registration No. ARD 231854** **Smog Check Station License No. RC 231854** **Brake Station License No. BS231854** **Lamp Station License No. LS 231854** Respondent.	Case No. 77/14-43 **ACCUSATION**

Complainant alleges:

PARTIES

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

2. On or about April 9, 2004, the Bureau of Automotive Repair issued Automotive Repair Dealer Registration Number ARD 231854 to Expert Auto Clinic; Mkrtich Mike Zournachyan, owner (Respondent). The Automotive Repair Dealer Registration was in full force and effect at all times relevant to the charges brought herein and will expire on February 28, 2014, unless renewed.

3. On or about December 3, 2004, the Bureau of Automotive Repair issued Smog Check Station License Number RC 231854 to Expert Auto Clinic; Mkrtich Mike Zournachyan, owner (Respondent). The Smog Check Station License was in full force and effect at all times relevant to the charges brought herein and will expire on February 28, 2014, unless renewed.

4. On or about September 22, 2005, the Bureau of Automotive Repair issued Brake Station License Number BS 231854 to Expert Auto Clinic; Mkrtich Mike Zournachyan, owner (Respondent). The Brake Station License was in full force and effect at all times relevant to the charges brought herein and will expire on February 28, 2014, unless renewed.

5. On or about September 22, 2005, the Bureau of Automotive Repair issued Lamp Station License Number LS 231854 to Expert Auto Clinic; Mkrtich Mike Zournachyan, owner (Respondent). The Lamp Station License was in full force and effect at all times relevant to the charges brought herein and will expire on February 28, 2014, unless renewed.

6. At all times herein alleged, Khatchik Paronyan (Paronyan) was employed at Expert Auto Clinic where he issued Lamp Adjustment Certificates when he was not licensed by the Bureau. Paronyan's Lamp Adjuster License Number LA149216 expired on October 31, 2009, and was cancelled on December 6, 2009. Paronyan applied for a renewal of his Lamp Adjuster License on September 16, 2009. Paronyan applied for a late renewal of his Lamp Adjuster License on November 18, 2009. In both instances, licenses were not issued to Paronyan because he failed to pass the Lamp Adjuster test. Paronyan was re-issued a Lamp Adjuster License on July 5, 2013, which expires on October 31, 2016.

JURISDICTION

7. This Accusation is brought before the Director of Consumer Affairs (Director) for the Bureau of Automotive Repair (Bureau), under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

8. Section 22 of the Code states:

"(a) 'Board' as used in any provisions 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.'

9. Section 477 of the Code provides, in pertinent part, that "Board" includes "bureau," "commission," "committee," "department," "division," "examining committee," "program," and "agency." "License" includes certificate, registration or other means to engage in a business or profession regulated by the Code.

10. Section 9884.7 of the Code states:

"(a) The director, where the automotive repair dealer cannot show there was a bona fide error, may deny, suspend, revoke, or place on probation the registration of an automotive repair dealer for any of the following acts or omissions related to the conduct of the business of the automotive repair dealer, which are done by the automotive repair dealer or any automotive technician, employee, partner, officer, or member of the automotive repair dealer.

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

***

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

11. Section 9884.13 of the Code provides, in pertinent part, that the expiration of a valid registration shall not deprive the Director of jurisdiction to proceed with a disciplinary proceeding against an automotive repair dealer or to render a decision invalidating a registration temporarily or permanently.

12. Section 9888.3 of the Code provides, in pertinent part that "No person shall operate an "official" lamp or brake adjusting station unless a license therefor has been issued by the director. No person shall issue, or cause or permit to be issued, any certificate purporting to be an official lamp adjustment certificate unless he or she is a licensed lamp adjuster or an official brake adjustment certificate unless he or she is a licensed brake adjuster."

13. Section 9887.1 of the Code provides that the Bureau has authority to issue licenses for official lamp and brake adjusting stations and shall license lamp and brake adjusters. Lamp and brake adjusters are required to pass the appropriate examination every four years in order to be licensed. Persons whose licenses have expired shall immediately cease the activity requiring a license, but the director shall accept applications for renewal during the 30-day period following the date of expiration if they are accompanied by a new license fee. In no case shall a license be renewed where the application is received more than 30 days after the date of expiration.

14. Section 9889.7 of the Code provides, in pertinent part, that the expiration or suspension of a license by operation of law or by order or decision of the Director or a court of law, or the voluntary surrender of a license shall not deprive the Director of jurisdiction to proceed with any disciplinary proceedings.

15. Section 9889.3 of the Code 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 [the Automotive Repair Act].

***

"(f) Aids or abets an unlicensed person to evade the provisions of this chapter.

***

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

16. Section 9889.22 of the Code states:

"The willful making of any false statement or entry with regard to a material matter in any oath, affidavit, certificate of compliance or noncompliance, or application form which is required

by this chapter [the Automotive Repair Act] or Chapter 5 (commencing with Section 44000) of Part 5 of Division 26 of the Health and Safety Code constitutes perjury and is punishable as provided in the Penal Code."

17. California Code of Regulations, title 16, section 3308, states: "An official station shall stop performing the functions for which it has been licensed when it no longer has the services of a licensed adjuster, or when its station license has expired or has been surrendered, suspended, or revoked. Such station must dispose of materials related to its formerly licensed activity according to these provisions."

18. Vehicle Code section 20 provides: "It is unlawful to use a false or fictitious name, or to knowingly make any false statement or knowingly conceal any material fact in any document filed with the Department of Motor Vehicles or the Department of the California Highway Patrol."

19. Section 125.3 of the Code provides, in pertinent part, that the 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, with failure of the licentiate to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

STATEMENT OF FACTS

20. In 2010, Paronyan came to work for Respondent as a "partner" in the brake, lamp and smog inspection part of Respondent's licensed activities. Respondent supervised the licensed activities and the activities of Paronyan. Paronyan ceased working for Respondent on or about November 10, 2012 when he opened his own auto repair facility.

21. Between October 2010 and October 2012, Paronyan issued all of the Lamp Adjustment certificates at Respondent's facility and while he did not hold a valid lamp adjuster license.

22. California Department of Motor Vehicles (DMV) requires that a State Licensed Inspection Station conduct a thorough and complete examination of these critical components

which may have been possibly damaged or misaligned due to an accident or as a result of theft damage.

23. The purpose of a Brake and Lamp Inspection is to assure that a vehicle being issued a salvage certificate is in a safe and road worthy condition prior to being retitled. When a salvaged vehicle is "revived" either due to accident damage or theft of the vehicle, the California Department of Motor vehicles considers the ownership of the vehicle to be changed, even though the owner remains the same.

24. A vehicle may also need such an inspection to correct a defect cited by a law enforcement agency such as the California Highway patrol. This is called a Brake and Lamp Inspection and when successfully completed, a certificate is issued to be presented to the DMV or California Highway Patrol as proof of correction of any cited condition and the safety of the vehicle.

25. For the Lamp Inspection, the licensed technician will inspect the lighting systems of the vehicle to determine that they are in correct operating condition. This will generally include using specially designed and certified equipment to measure the aim of the beam of the headlights as well as the visual inspection of any exterior safety lighting devices such as turn signals and clearance lights.

26. Of major concern is the proper operation of the brake lamp and tail light electrical system. Once successfully completed, the technician will issue a certificate, which is good for 90 days, to be presented to the requesting agency, usually DMV.

27. Paronyan was issuing a quantity of approximately two (2) Brake and two (2) Lamp Certificate Books each month for which Paronyan did not generate an estimate and/or final invoice for approximately half the total amount of Brake and Lamp Certificates issued. The Brake and Lamp Certificates are purchased from the Bureau by mail, in books that hold 50 certificates each.

28. Bureau representatives requested and received the original Brake and Lamp Certificate books for certificates issued by Paronyan while employed at Respondent's licensed auto repair facility. Received from Respondent were a total of sixty one (61) certificate books.

Bureau representatives also made a written request on a Station Inspection Report for all estimates and final invoices related to the Brake and Lamp certificates issued between January 2011 and November 2012

29. On December 7, 2012, Bureau representatives met with Respondent at the Valencia field office. Respondent stated he ordered all Brake and Lamp certificates for his licensed facility. Respondent stated that the Brake and Lamp Adjustment Certificate books were kept secure in Paronyan's toolbox. Respondent stated that he was an active day to day manager/ supervisor at the facility and oversaw the activities of Paronyan, and trusted him to perform the job correctly. Respondent stated that Paronyan became his financial business partner on Dec. 5, 2005.

30. Respondent stated that he discussed fleet accounts with Paronyan and transported cars back and forth from LA Cars Repo. Respondent stated his licensed facility was open Monday through Saturday and that Paronyan had issued each and every certificate.

31. LA Cars Repo Inc. is a used vehicle dealer that is licensed by the Department of Motor Vehicles to sell used vehicles. Respondent charged LA Cars Repo $50 to $60 total for both a brake and lamp certificate for its vehicles that Respondent inspected. LA Cars Repo obtained certificates from both Respondent and Paronyan on separate occasions.

32. Respondent also issued brake and lamp certificates for inspections performed by Paronyan while he was not licensed to the following: First Quality Collision Center and Shorty's Body Shop. In these transactions, Paronyan was known as "Kris" to the customers and Respondent was known as "Mike".

33. In the lamp certificates issued by Paronyan, Paronyan signed a statement under penalty of perjury attesting that he had performed the tests in accordance with and as specified by the Bureau and in accordance with Titles 13 and 16 of the California Code of Regulations, the Vehicle Code and the Business and Professions Code. In fact these attestations were untrue or misleading since Paronyan did not hold a valid lamp adjuster license at the time he issued the certificates and Paronyan and Respondent knew them to be untrue or misleading since they both

knew or by the exercise of reasonable care should have known that Paronyan did not hold a valid license.

FIRST CAUSE FOR DISCIPLINE

(Untrue or Misleading Statements)

34. Respondent is subject to disciplinary action under section 9884.7 subd. (a) (1) in that he made or authorized untrue or misleading statements that he knew or by exercise of reasonable care should have known were untrue or misleading as alleged in the preceding paragraphs 20 through 33 that are incorporated by reference as though fully set forth.

SECOND CAUSE FOR DISCIPLINE

(Issuance of Official Lamp Adjustment Certificate When Unlicensed)

35. Respondent is subject to disciplinary action under section 9888.3 in conjunction with Title 16 California Code of Regulations sec. 3308 in that Respondent failed to cease the functions of a Lamp Station while it did not have the services of a validly licensed lamp adjuster. The circumstances are as alleged in the preceding paragraphs 32 through 33 that are incorporated herein by reference as though fully set forth.

THIRD CAUSE FOR DISCIPLINE

(False Statements or Entries in an Oath, Affidavit or Certificate of Compliance)

36. Respondent is subject to disciplinary action under sections 9884.7, subd. (a)(6) and 9889.22 in conjunction with Title 16 California Code of Regulations sec. 3308 in that Respondent's employee Paronyan made false statements that he was properly licensed as a lamp adjuster in the certificates issued by Respondent. The circumstances are as alleged in the preceding paragraphs 32 through 33 that are incorporated herein by reference as though fully set forth.

FOURTH CAUSE FOR DISCIPLINE

(Violation of Statute Relating to Licensed Activities)

35. Respondent is subject to disciplinary action under sections 9889.3 subd. (a) and (h) for violation of section 9889.22 in conjunction with Title 16 California Code of Regulations sec. 3308 in that Respondent's employee Paronyan made false statements that he was properly

licensed as a lamp adjuster in the certificates issued by Respondent. The circumstances are as alleged in the preceding paragraphs 32 through 33 that are incorporated herein by reference as though fully set forth.

FIFTH CAUSE FOR DISCIPLINE

(Violation of Regulation Relating to Licensed Activities)

35. Respondent is subject to disciplinary action under sections 9889.3 subd. (c) for violation of section 9888.3 in conjunction with Title 16 California Code of Regulations sec. 3308 in that Respondent was required by law to cease the licensed functions of a Lamp Station while it did not have the services of a validly licensed lamp adjuster. The circumstances are as alleged in the preceding paragraphs 32 through 33 that are incorporated herein by reference as though fully set forth.

SIXTH CAUSE FOR DISCIPLINE

(Aiding and Abetting Violation of Regulation Relating to Licensed Activities)

35. Respondent is subject to disciplinary action under sections 9889.3 subd. (f) for aiding and abetting an unlicensed person, Paronyan, to evade the provisions of the Automotive Repair Act relating to lamp inspections. The circumstances are as alleged in the preceding paragraphs 20, 29 and 32 through 33 that are incorporated herein by reference as though fully set forth.

OTHER MATTERS

36. Pursuant to Bus. & Prof. Code section 9884.7, subdivision (c), the Director may suspend, revoke or place on probation the registration for all places of business operated in this state by Respondent EXPERT AUTO CLINIC; MKRTICH MIKE ZOURNACHYAN, owner, upon a finding that Respondent has, or is, engaged in a course of repeated and willful violations of the laws and regulations pertaining to an automotive repair dealer.

37. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Station License Number RC 231854 , issued to Respondent EXPERT AUTO CLINIC; MKRTICH MIKE ZOURNACHYAN, owner, is revoked or suspended, any additional license issued under Chapter 5 of the Health & Saf. Code in the name of said licensee may be likewise revoked or suspended by the Director.

38. Pursuant to Bus. & Prof. Code section 9889.9, if Lamp Station License Number LS 231854, issued to Respondent EXPERT AUTO CLINIC; MKRTICH MIKE ZOURNACHYAN, owner, is revoked or suspended, any additional license issued under Articles 5 and 6 of Chapter 20.3 of the Bus. & Prof. Code in the name of said licensee may be likewise revoked or suspended by the Director.

39. Pursuant to Bus. & Prof. Code section 9889.9, if Brake Station License Number BS231854, issued to Respondent EXPERT AUTO CLINIC; MKRTICH MIKE ZOURNACHYAN, owner, is revoked or suspended, any additional license issued under Articles 5 and 6 of Chapter 20.3 of the Bus. & Prof. Code in the name of said licensee may be likewise revoked or suspended by the Director.

PRAYER

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

1. Revoking or suspending Automotive Repair Dealer Registration Number ARD 231854, issued to Expert Auto Clinic; Mkrtich Mike Zournachyan, owner:

2. Revoking or suspending Smog Check Station License Number RC 231854, issued to Expert Auto Clinic; Mkrtich Mike Zournachyan, owner;

3. Revoking or suspending Lamp Station License Number LS 231854, issued to Expert Auto Clinic; Mkrtich Mike Zournachyan, owner;

4. Revoking or suspending Brake Station License Number BS 231854, issued to Expert Auto Clinic; Mkrtich Mike Zournachyan, owner;

5. Ordering Mkrtich Mike Zournachyan to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED: February 20, 2014

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

LA2013510468
51446112.doc

Exhibit B

Proof of Service of Accusation and signed Certified Return Receipt

DECLARATION OF SERVICE BY CERTIFIED MAIL AND FIRST CLASS MAIL
(Separate Mailings)

Case Name: **In the Matter of the Accusation Against: Expert Auto Clinic; Mkrtich Mike Zournachyan; Katchik Paronyan**
Case No.: **77/14-43**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On March 7, 2014, I served the attached **STATEMENT TO RESPONDENT, ACCUSATION, NOTICE OF DEFENSE (2 copies), REQUEST FOR DISCOVERY and GOVERNMENT CODE SECTIONS 11507.5, 11507.6, 11507.7 PROVIDED PURSUANT TO GOVERNMENT CODE SECTIONS 11504 and 1150** by placing a true copy thereof enclosed in a sealed envelope as certified mail with return receipt requested, and another true copy of the **STATEMENT TO RESPONDENT, ACCUSATION, NOTICE OF DEFENSE (2 copies), REQUEST FOR DISCOVERY and GOVERNMENT CODE SECTIONS 11507.5, 11507.6, 11507.7 PROVIDED PURSUANT TO GOVERNMENT CODE SECTIONS 11504 and 1150** was enclosed in a second sealed envelope as first class mail in the internal mail collection system at the Office of the Attorney General at 300 South Spring Street, Suite 1702, Los Angeles, CA 90013, addressed as follows:

Respondent
Mkrtich Mike Zournachyan
Expert Auto Clinic
14510 Bessemer St.
Van Nuys, CA 91411

Certified Article Number
7196 9008 9111 1812 8657
SENDERS RECORD

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on March 7, 2014, at Los Angeles, California.

L. Robinson
Declarant

Signature

LA2013510468
51467429.doc

7196 9008 9111 1812 8657

TO:
Mkrtich Mike Zournachyan
Expert Auto Clinic
14510 Bessemer St.
Van Nuys, CA 91411

SENDER: Shawn P. Cook, DAG

REFERENCE: Acc Pckt
LA2013510468

PS Form 3800, January 2005

RETURN RECEIPT SERVICE		
	Postage	
	Certified Fee	
	Return Receipt Fee	
	Restricted Delivery	
	Total Postage & Fees	

USPS®
Receipt for Certified Mail™
No Insurance Coverage P...
Do Not Use ...

POSTMARK OR DATE
3/7/2014

2. Article Number

7196 9008 9111 1812 8657

3. Service Type **CERTIFIED MAIL™**

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

1. Article Addressed to:

Mkrtich Mike Zournachyan
Expert Auto Clinic
14510 Bessemer St.
Van Nuys, CA 91411

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) | B. Date of Delivery

C. Signature
X ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

MAR 10 2014

LA2013510468
Acc. Pckt
Shawn P. Cook, DAG

PS Form 3811, January 2005 Domestic Return Receipt

Exhibit C

Declaration of Cameron Loessberg, Jr.

AFFIDAVIT OF CAMERON LOESSBERG JR.

I, Cameron Loessberg Jr., Program Representative I, Bureau of Automotive Repair, Valencia Field Office, hereby affirm the following facts regarding Mkrtich Mike Zournachyan, the owner of record at Expert Auto Clinic, located at 14510 Bessemer St. Van Nuys, CA 91411, Accusation No. 77/14-43.

In the course and scope of my duties as Program Representative I in the Valencia Field Office, I investigated Mkrtich Mike Zournachyan (Respondent).

The investigation determined that between October of 2010 and October of 2012, Khatchik Paronyan, a brake and lamp adjuster employed at Expert Auto Clinic, issued all of the Lamp Adjustment Certificates at Respondent's facility and while he did not hold a valid lamp adjuster license.

Respondent made or authorized false and misleading statements that he knew or by exercise of reasonable care should have known were untrue and misleading. This conduct fails to comply with Business and Professions Code §9884.7(a)(1).

Respondent failed to cease functions of a Lamp Station while it did not have the services of a validly licensed Lamp Adjuster. This conduct fails to comply with Business and Professions Codes §9888.3 and §9888.3(c).

Respondent's employee Paronyan made false statements that he was properly licensed as a Lamp Adjuster for the certificates issued by Respondent's facility. This conduct fails to comply with Business and Professions Codes §9884.7(a)(6), §9889.3(a), §9889.3(b), and §9889.22.

Respondent aided and abetted Paronyan, while unlicensed, to evade the provisions of the Automotive Repair Act related to lamp inspections. This conduct fails to comply with Business and Professions Code §9889.3(f).

I have personal knowledge of the facts stated herein and, if called as a witness, I would testify competently to those facts and to the facts, evidence, and information contained within the investigation report supporting the violations asserted in the Accusation and mentioned herein.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge. Executed on the 14th day of May, 2014, at Valencia, California.

Cameron Loessberg Jr., PRI
Bureau of Automotive Repair