

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

In the Matter of the Accusation Against:

SUNRISE SMOG
JANY V. PETROSIAN, Owner
3501 Sunrise Boulevard, Suite 8
Rancho Cordova, CA 95742

Automotive Repair Dealer Registration
No. ARD 240390
Smog Check, Test Only, Station License
No. TC 240390

and

JANY V. PETROSIAN
10979 Faber Way
Rancho Cordova, CA 95670

Advanced Emission Specialist Technician
License No. EA 152083

Respondents.

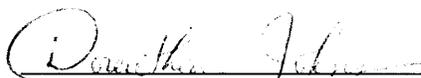
Case No. 79/12-10

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby accepted and adopted as the Decision of the Director of the Department of Consumer Affairs in the above-entitled matter.

This Decision shall become effective 12/30/11.

DATED: November 21, 2011


DOREATHEA JOHNSON
Deputy Director, Legal Affairs
Department of Consumer Affairs

1 KAMALA D. HARRIS
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 LESLIE A. BURGERMYER
Deputy Attorney General
4 State Bar No. 117576
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5337
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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. 79/12-10

13 **SUNRISE SMOG**
3501 Sunrise Boulevard, Suite 8
14 **Rancho Cordova, A 95742**
JANY V. PETROSIAN, OWNER
Automotive Repair Dealer Registration No.
15 **ARD2403990**
Smog Check Test Only Station License No.
16 **TC240390**

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

17 **And**

18 **JANY V. PETROSIAN**
10979 Faber Way
19 **Rancho Cordova, CA 95670**
Advanced Emission Specialist Technician
20 **License No. EA15203**

21 **Respondents.**

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

25 **PARTIES**

26 1. Sherry Mehl ("Complainant") is the Chief of the Bureau of Automotive Repair
27 ("Bureau"), Department of Consumer Affairs. She brought this action solely in her official
28

1 capacity and is represented in this matter by Kamala D. Harris, Attorney General of the State of
2 California, by Leslie A. Burgermyer, Deputy Attorney General.

3 **Automotive Repair Dealer Registration**

4 2. On a date uncertain in 2005, the Bureau issued Automotive Repair Dealer
5 Registration Number ARD240390 to Jany V. Petrosian dba Sunrise Smog ("Respondent"). The
6 registration was in full force and effect at all times relevant to the charges brought in Accusation
7 No. 79/12/10 and will expire on June 30, 2012, unless renewed.

8 **Smog Check Test Only Station License**

9 3. On or about August 1, 2007, the Bureau issued Smog Check Test Only Station
10 License Number TC240390 to Respondent. The station license was in full force and effect at all
11 times relevant to the charges brought herein and will expire on June 30, 2012, unless renewed.

12 **Advanced Emission Specialist Technician License**

13 4. On a date uncertain in 2006, the Bureau issued Advanced Emission Specialist
14 Technician License Number EA152083 to Respondent. The technician license was in full force
15 and effect at all times relevant to the charges brought herein and will expire on July 31, 2012,
16 unless renewed.

17 5. Respondent is representing himself in this proceeding and has chosen not to exercise
18 his right to be represented by counsel.

19 **JURISDICTION**

20 6. Accusation No. 79/12/10 was filed before the Director of Consumer Affairs
21 ("Director"), for the Bureau and is currently pending against Respondent. The Accusation and all
22 other statutorily required documents were properly served on Respondent on August 15, 2011.
23 Respondent timely filed his Notice of Defense contesting the Accusation. A true and correct
24 copy of Accusation No. 79/12/10 is attached hereto, marked Exhibit A, and incorporated herein
25 by reference.

26 ///

27 ///

28 ///

1 Department of Consumer Affairs regarding this stipulation and settlement, without notice to or
2 participation by Respondent. By signing the stipulation, Respondent understands and agrees that
3 he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Director
4 considers and acts upon it. If the Director fails to adopt this stipulation as the Decision and
5 Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for
6 this paragraph, it shall be inadmissible in any legal action between the parties, and the Director
7 shall not be disqualified from further action by having considered this matter.

8 14. The parties understand and agree that facsimile copies of this Stipulated Settlement
9 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and
10 effect as the originals.

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

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

20 **DISCIPLINARY ORDER**

21 **IT IS HEREBY ORDERED** that Automotive Repair Dealer Registration Number ARD
22 240390 issued to Respondent Jany V. Petrosian, doing business as Sunrise Smog,
23 ("Respondent"), and Smog Check Test Only Station License Number TC240390, and Advanced
24 Emission Specialist License Number EA152083 issued to Respondent are revoked. However, the
25 revocation of Automotive Repair Dealer Registration number ARD240390 and Smog Check Test
26 Only Station License Number TC240390 and Advanced Emission Specialist License Number
27 EA152083 are stayed, and each is placed on probation for one (1) year, on the following terms
28 and conditions:

1 1. **Actual Suspension.** Automotive Repair Dealer Registration Number ARD240390
2 issued to Respondent is suspended for ten (10) days beginning on the effective date of the
3 Decision and Order of the Director of the Department of Consumer Affairs (“Director”).

4 2. **Obey All Laws.** Respondent shall comply with all statutes, regulations and rules
5 governing automotive inspections, estimates, and repairs.

6 3. **Reporting.** Respondent must report in person or in writing as prescribed by the
7 Bureau of Automotive Repair (“Bureau”), on a schedule set by the Bureau, but no more
8 frequently than each quarter on the methods used and success achieved in maintaining
9 compliance with the terms and conditions of probation.

10 4. **Jurisdiction.** If an accusation or petition to revoke probation is filed against
11 Respondent during the term of probation, the Director shall have continuing jurisdiction over this
12 matter until the final decision of the accusation or petition to revoke probation, and the period of
13 probation shall be extended until such decision.

14 5. **Violation of Probation.** Should the Director determine that Respondent has failed to
15 comply with the terms and conditions of probation, the Director may, after giving notice and
16 opportunity to be heard, revoke the Advanced Emissions Specialist Technician License.

17 6. **Continuing Education Courses.** During the period of probation, Respondent shall
18 attend and successfully complete the Bureau’s Advanced Clean Air Car Course, at his own
19 expense, within six (6) months of the effective date of the Director’s Decision and Order. Proof
20 of completion of the course shall be submitted to the Bureau within six (6) months of the effective
21 date of the Director’s Decision and Order. If proof of completion of the course is not furnished to
22 the Bureau within the six (6) month period, Respondent’s license shall be immediately suspended
23 until such proof is received.

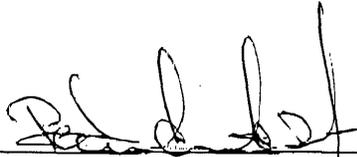
24 7. **Cost Recovery.** Respondent shall pay cost recovery to the Bureau for its
25 investigation and enforcement costs in the amount of \$4,548.00. Payment to the Bureau shall be
26 paid in equal monthly installments and the full amount of cost recovery shall be received no later
27 than six (6) months before probation terminates. Failure to complete payment of cost recovery
28 within this time frame shall constitute a violation of probation which may subject Respondent’s

1 licenses and/or registrations to outright revocation. However, the Director or his/her designee at
2 the Bureau may elect to continue probation until such time as reimbursement of the entire cost
3 recovery amount has been made to the Bureau.

4 **ACCEPTANCE**

5 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
6 stipulation and the effect it will have on my Automotive Repair Dealer Registration, and Smog
7 Check Test Only Station License. I enter into this Stipulated Settlement and Disciplinary Order
8 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
9 Director of Consumer Affairs.

10
11 DATED: 10/29/2011


JANY V. PETROSIAN
JANY V. PETROSIAN, dba SUNRISE SMOG
and as an Individual
Respondent

14 **ENDORSEMENT**

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

17
18 DATED: _____

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
ARTHUR D. TAGGART
Supervising Deputy Attorney General

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24
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26
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28
LESLIE A. BURGERMYER
Deputy Attorney General
Attorneys for Complainant

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1 licenses and/or registrations to outright revocation. However, the Director or his/her designee at
2 the Bureau may elect to continue probation until such time as reimbursement of the entire cost
3 recovery amount has been made to the Bureau.

4 ACCEPTANCE

5 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
6 stipulation and the effect it will have on my Automotive Repair Dealer Registration, and Smog
7 Check Test Only Station License. I enter into this Stipulated Settlement and Disciplinary Order
8 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
9 Director of Consumer Affairs.

10
11 DATED: _____ JANY V. PETROSIAN, dba SUNRISE SMOG
12 and as an Individual
13 Respondent

14 ENDORSEMENT

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

17
18 DATED: 10-31-2011

19 Respectfully submitted,
20 KAMALA D. HARRIS
21 Attorney General of California
22 ARTHUR D. TAGGART
23 Supervising Deputy Attorney General

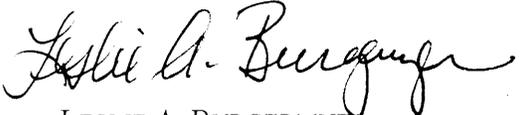
24 
25 LESLIE A. BURGERMYER
26 Deputy Attorney General
27 *Attorneys for Complainant*

Exhibit A

Accusation No. 79/12/10

1 KAMALA D. HARRIS
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 LESLIE A. BURGERMYER
Deputy Attorney General
4 State Bar No. 117576
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6 Telephone: (916) 324-5337
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8 **BEFORE THE**
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9 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**
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11 In the Matter of the Accusation Against:
12
13 **SUNRISE SMOG**
14 **3501 Sunrise Boulevard, Suite 8**
Rancho Cordova, CA 95742
15 **JANY V. PETROSIAN, OWNER**
Automotive Repair Dealer Registration No.
ARD 240390
16 **Smog Check Test Only Station License No.**
TC 240390
17 **and**
18 **JANY V. PETROSIAN**
10979 Faber Way
19 **Rancho Cordova, CA 95670**
Advanced Emission Specialist Technician
20 **License No. EA 152083**
21 Respondents.

Case No. 79/12-10

A C C U S A T I O N

SMOG CHECK

22
23 Complainant alleges:

24 **PARTIES**

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

27 ///

28 ///

1 the specific place of business which has violated any of the provisions of this chapter.
2 This violation, or action by the director, shall not affect in any manner the right of the
3 automotive repair dealer to operate his or her other places of business.

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

9
10 6. Code section 9884.9 states, in pertinent part:

11 (a) The automotive repair dealer shall give to the customer a written
12 estimated price for labor and parts necessary for a specific job. No work shall be done
13 and no charges shall accrue before authorization to proceed is obtained from the
14 customer. No charge shall be made for work done or parts supplied in excess of the
15 estimated price without the oral or written consent of the customer that shall be
16 obtained at some time after it is determined that the estimated price is insufficient and
17 before the work not estimated is done or the parts not estimated are supplied. Written
18 consent or authorization for an increase in the original estimated price may be
19 provided by electronic mail or facsimile transmission from the customer. The bureau
20 may specify in regulation the procedures to be followed by an automotive repair
21 dealer if an authorization or consent for an increase in the original estimated price is
22 provided by electronic mail or facsimile transmission. If that consent is oral, the
23 dealer shall make a notation on the work order of the date, time, name of person
24 authorizing the additional repairs and telephone number called, if any, together with a
25 specification of the additional parts and labor and the total additional cost, and shall
26 do either of the following:

27 (1) Make a notation on the invoice of the same facts set forth in the
28 notation on the work order .

(2) Upon completion of the repairs, obtain the customer's signature or
initials to an acknowledgment of notice and consent, if there is an oral consent of the
customer to additional repairs, in the following language:

"I acknowledge notice and oral approval of an increase in the original
estimated price.

(signature or initials)"

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

8. Code section 477 provides, in pertinent part, that "Board" includes "bureau,"
"commission," "committee," "department," "division," "examining committee," "program," and

1 "agency." "License" includes certificate, registration or other means to engage in a business or
2 profession regulated by the Code.

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

6 10. Section 44072.2 of the Health and Safety Code states, in pertinent part:

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

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

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

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

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

21 12. Section 44072.8 of the Health and Safety Code states:

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

25 COST RECOVERY

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

29 UNDERCOVER OPERATION – NOVEMBER 30, 2010

30 14. On or about November 30, 2010, a Bureau undercover operator ("operator") drove a
Bureau-documented 1999 Mazda B3000 to Respondent's facility and requested a smog

1 inspection. The vehicle could not pass the visual portion of a smog inspection because the
2 vehicle's positive crankcase ventilation ("PCV") system was missing. The operator signed a
3 work order; however, she did not receive a copy of the document prior to the smog inspection.
4 Respondent performed the smog inspection and issued electronic Certificate of Compliance No.
5 NY726924 for that vehicle. The operator paid \$40 for the smog inspection and received a copy
6 of an invoice dated November 30, 2010, a copy of the estimate, and the Vehicle Inspection Report
7 ("VIR").

8 **FIRST CAUSE FOR DISCIPLINE**

9 **(Misleading Statements)**

10 15. Respondent has subjected his registration to discipline under Code section 9884.7,
11 subdivision (a)(1), in that on or about November 30, 2010, he made statements which he knew or
12 which by exercise of reasonable care he should have known were untrue or misleading when he
13 issued electronic Certificate of Compliance No. NY726924 for the 1999 Mazda B3000, certifying
14 that the vehicle was in compliance with applicable laws and regulations when, in fact, the
15 vehicle's PCV system was missing.

16 **SECOND CAUSE FOR DISCIPLINE**

17 **(Failed to Provide a Copy of a Signed Document)**

18 16. Respondent has subjected his registration to discipline under Code section 9884.7,
19 subdivision (a)(3), in that on or about November 30, 2010, Respondent failed to provide the
20 operator with a copy of the work order as soon as she signed the document.

21 **THIRD CAUSE FOR DISCIPLINE**

22 **(Fraud)**

23 17. Respondent has subjected his registration to discipline under Code section 9884.7,
24 subdivision (a)(4), in that on or about November 30, 2010, he committed acts which constitute
25 fraud by issuing electronic Certificate of Compliance No. NY726924 for the 1999 Mazda B3000,
26 without performing a bona fide inspection of the emission control devices and systems on that
27 vehicle, thereby depriving the People of the State of California of the protection afforded by the
28 Motor Vehicle Inspection Program.

1 a. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently issued
2 electronic Certificate of Compliance No. NY726924 without performing a bona fide inspection of
3 the emission control devices and systems on that vehicle as required by Health and Safety Code
4 section 44012.

5 b. **Section 3340.35, subdivision (c):** Respondent issued electronic Certificate of
6 Compliance No. NY726924 even though that vehicle had not been inspected in accordance with
7 section 3340.42 of that Code.

8 c. **Section 3340.42:** Respondent failed to conduct the required smog tests and
9 inspections on that vehicle in accordance with the Bureau's specifications.

10 **SEVENTH CAUSE FOR DISCIPLINE**

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

12 21. Respondent subjected his station license to discipline under Health and Safety Code
13 section 44072.2, subdivision (d), in that on or about November 30, 2010, regarding the 1999
14 Mazda B3000, he committed acts involving dishonesty, fraud or deceit whereby another was
15 injured by issuing electronic Certificate of Compliance No. NY726924 for that vehicle without
16 performing a bona fide inspection of the emission control devices and system on the vehicle,
17 thereby depriving the People of the State of California of the protection afforded by the Motor
18 Vehicle Inspection Program.

19 **EIGHTH CAUSE FOR DISCIPLINE**

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

21 22. Respondent has subjected his technician license to discipline under Health and Safety
22 Code section 44072.2, subdivision (a), in that on or about November 30, 2010, regarding the 1999
23 Mazda B3000, he violated sections of that Code, as follows:

24 a. **Section 44012, subdivision (a):** Respondent failed to determine that all emission
25 control devices and systems required by law were installed and functioning correctly in
26 accordance with test procedures.

27 b. **Section 44012, subdivision (f):** Respondent failed to perform emission control tests
28 on that vehicle in accordance with procedures prescribed by the department.

1 c. **Section 44032:** Respondent failed to perform tests of the emission control devices
2 and systems on that vehicle in accordance with section 44012 of that Code, in that the vehicle
3 could not have passed the visual portion of the smog inspection because the vehicle's PCV
4 system was missing..

5 d. **Section 44059:** Respondent willfully made false entries for electronic Certificate of
6 Compliance No. NY726924, certifying that the vehicle had been inspected as required when, in
7 fact, it had not.

8 **NINTH CAUSE FOR DISCIPLINE**

9 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

10 23. Respondent has subjected his technician license to discipline under Health and Safety
11 Code section 44072.2, subdivision (c), in that on or about November 30, 2010, regarding the 1999
12 Mazda B3000, he violated sections of the California Code of Regulations, title 16, as follows:

13 a. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently issued
14 electronic Certificate of Compliance No. NY726924 without performing a bona fide inspection of
15 the emission control devices and systems on that vehicle as required by Health and Safety Code
16 section 44012.

17 b. **Section 3340.30, subdivision (a):** Respondent failed to inspect and test that vehicle
18 in accordance with Health and Safety Code section 44012.

19 c. **Section 3340.41, subdivision (c):** Respondent entered false information into the
20 Emission Inspection System for electronic Certificate of Compliance No. NY726924 by entering
21 "Pass" for the visual inspection portion of the smog inspection when, in fact, the vehicle could
22 not pass the visual inspection because the vehicle's PCV system was missing.

23 d. **Section 3340.42:** Respondent failed to conduct the required smog tests and
24 inspections on that vehicle in accordance with the Bureau's specifications.

25 **TENTH CAUSE FOR DISCIPLINE**

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

27 24. Respondent has subjected his technician license to discipline under Health and Safety
28 Code section 44072.2, subdivision (d), in that on or about November 30, 2010, regarding the

1 1999 Mazda B3000, he committed acts involving dishonesty, fraud or deceit whereby another
2 was injured by issuing electronic Certificate of Compliance No. NY726924 without performing a
3 bona fide inspection of the emission control devices and systems on that vehicle, thereby
4 depriving the People of the State of California of the protection afforded by the Motor Vehicle
5 Inspection Program.

6 **PRIOR CITATIONS**

7 25. To determine the degree of penalty, if any, to be imposed upon Respondent,
8 Complainant alleges as follows:

9 a. On January 26, 2010, the Bureau issued Citation No. C2010-0736 to Respondent
10 against his registration and station licenses for violations of Health and Safety Code section
11 44012, subdivision (f) (failure to perform a visual/functional check of emission control devices)
12 and California Code of Regulations, title 16, ("Regulation"), section 3340.35, subdivision (c)
13 (issuing a certificate of compliance to a vehicle improperly tested). Respondent Sunrise Smog
14 issued a certificate of compliance to a Bureau vehicle with a non-functional exhaust gas
15 recirculation system. The Bureau assessed a civil penalty of \$500. Respondent complied with
16 this citation on March 17, 2010.

17 b. On May 4, 2010, the Bureau issued Citation No. C2010-1161 to Respondent against
18 his registration and station licenses for violations of Health and Safety Code section 44012,
19 subdivision (f) (failure to perform a visual/functional check of emission control devices) and
20 Regulation, section 3340.35, subdivision (c) (issuing a certificate of compliance to a vehicle
21 improperly tested). Respondent issued a certificate of compliance to a Bureau vehicle with a
22 missing PCV system. The Bureau assessed a civil penalty of \$1,500. Respondent complied with
23 this citation on July 16, 2010.

24 c. On August 16, 2010, the Bureau issued Citation No. C2011-0180 to Respondent
25 against his registration and station licenses for violations of Health and Safety Code section
26 44012, subdivision (f) (failure to perform a visual/functional check of emission control devices)
27 and Regulation, section 3340.35, subdivision (c) (issuing a certificate of compliance to a vehicle
28 improperly tested). Respondent issued a certificate of compliance to a Bureau vehicle with a

1 missing PCV system. The Bureau assessed a civil penalty of \$2,500. Respondent appealed this
2 citation on September 28, 2010. The matter is currently pending.

3 d. On January 26, 2010, the Bureau issued Citation No. M2010-0737 to Respondent
4 against his technician license for violations of Health and Safety Code section 44032, (qualified
5 technicians shall perform tests of emission control systems and devices in accordance with
6 section 44012 of that Code) and California Code of Regulations, title 16, ("Regulation") section
7 3340.30, subdivision (a) (qualified technicians shall inspect, test, and repair vehicles in
8 accordance with sections 44012 and 44035 of the Health and Safety Code, and Regulation section
9 3340.42). Respondent issued a certificate of compliance to a Bureau vehicle with a non-
10 functional exhaust gas recirculation system. Respondent was required to attend an 8-hour
11 training course. Respondent complied with this citation on June 6, 2010.

12 e. On May 4, 2010, the Bureau issued Citation No. M2010-1162 to Respondent against
13 his technician license for violations of Health and Safety Code section 44032, (qualified
14 technicians shall perform tests of emission control systems and devices in accordance with
15 section 44012 of that Code) and California Code of Regulations, title 16, ("Regulation") section
16 3340.30, subdivision (a) (qualified technicians shall inspect, test, and repair vehicles in
17 accordance with sections 44012 and 44035 of the Health and Safety Code, and Regulation section
18 3340.42). Respondent issued a certificate of compliance to a Bureau vehicle with a missing PCV
19 system. Respondent was required to attend a 16-hour training course. Respondent complied with
20 this citation on August 20, 2010.

21 f. On August 16, 2010, the Bureau issued Citation No. M2011-0181 to Respondent
22 against his technician license for violations of Health and Safety Code section 44032, (qualified
23 technicians shall perform tests of emission control systems and devices in accordance with
24 section 44012 of that Code) and California Code of Regulations, title 16, ("Regulation") section
25 3340.30, subdivision (a) (qualified technicians shall inspect, test, and repair vehicles in
26 accordance with sections 44012 and 44035 of the Health and Safety Code, and Regulation section
27 3340.42). Respondent issued a certificate of compliance to a Bureau vehicle with a missing PCV
28

1 system. Respondent was required to attend a 68-hour training course. Respondent appealed this
2 citation on October 4, 2010. The matter is currently pending.

3 OTHER MATTERS

4 26. Under Code section 9884.7, subdivision (c), the director may invalidate temporarily
5 or permanently or refuse to validate, the registrations for all places of business operated in this
6 state by to Jany V. Petrosian doing business as Sunrise Smog; upon a finding that he has, or is,
7 engaged in a course of repeated and willful violations of the laws and regulations pertaining to an
8 automotive repair dealer.

9 27. Under Health and Safety Code section 44072.8, if Smog Check Test Only Station
10 License Number TC 240390, issued to Jany V. Petrosian doing business as Sunrise Smog, is
11 revoked or suspended, any additional license issued under this chapter in the name of said
12 licensee may be likewise revoked or suspended by the director.

13 28. Under Health and Safety Code section 44072.8, if Advanced Emission Specialist
14 Technician License Number EA 152083, issued to Jany V. Petrosian, is revoked or suspended,
15 any additional license issued under this chapter in the name of said licensee may be likewise
16 revoked or suspended by the director.

17 PRAYER

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

- 20 1. Revoking, suspending, or placing on probation Automotive Repair Dealer
21 Registration Number ARD 240390, issued to Jany V. Petrosian doing business as Sunrise Smog;
- 22 2. Revoking, suspending, or placing on probation any other automotive repair dealer
23 registration issued in the name of Jany V. Petrosian;
- 24 3. Revoking or suspending Smog Check Test Only Station License Number TC 240390,
25 issued to Jany V. Petrosian doing business as Sunrise Smog;
- 26 4. Revoking or suspending any additional license issued under Chapter 5 of the Health
27 & Safety Code in the name of Jany V. Petrosian;
- 28

- 1 5. Revoking or suspending Advanced Emission Specialist Technician License Number
2 EA 152083, issued to Jany V. Petrosian;
3 6. Revoking or suspending any additional license issued under Chapter 5 of the Health
4 & Safety Code in the name of Jany V. Petrosian;
5 7. Ordering Jany V. Petrosian to pay the Bureau of Automotive Repair the reasonable
6 costs of the investigation and enforcement of this case, pursuant to Business and Professions
7 Code section 125.3; and,
8 8. Taking such other and further action as deemed necessary and proper.

9
10
11 DATED: _____

8/1/11



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

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