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7
8 **BEFORE THE**
DEPARTMENT OF CONSUMER AFFAIRS
9 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Petition to Revoke
12 Probation Against,

Case No. 79/15-57

13 **IN & OUT SMOG AND OIL CHANGE;**
AMIR HOSSEIN LOTFIZADEH, Owner
14 **10344 1/2 West Olympic Blvd.**
Los Angeles, CA 90064
15 **Automotive Repair Dealer Registration No.**
ARD 243065
16 **Smog Check Test Only Station License No.**
TC 243065

PETITION TO REVOKE PROBATION

17 Respondent.

18
19 Complainant alleges:

20 PARTIES

21 1. Patrick Dorais (Complainant) brings this Petition to Revoke Probation solely in his
22 official capacity as the Chief of the Bureau of Automotive Repair, Department of Consumer
23 Affairs.

24 2. On or about April 12, 2006, the Bureau of Automotive Repair issued Automotive
25 Repair Dealer Registration Number ARD 243065 to Respondent In & Out Smog and Oil Change;
26 Amir Hossein Lotfizadeh, owner. The Automotive Repair Dealer Registration was in effect at all
27 times relevant to the charges brought herein and will expire on December 31, 2014, unless
28 renewed.

1 of Lotfizadeh or his authorized Representative, to the local Bureau of Automotive Repair office
2 on a schedule set by the Bureau.

3 B. On May 03, 2013, Bureau of Automotive Repair Representative Kevin Sanderson
4 sent a Probation Conference Notification letter to Amir Hossein Lotfizadeh to the address of
5 record. The letter was sent to request his presence at the Bureau of Automotive Repair' Culver
6 City Field Office for the next scheduled Probation Conference that was to be held on May 28,
7 2013 at 10:00 a.m. Neither Amir Hossein Lotfizadeh, nor his authorized Representative attended
8 the conference or called to reschedule.

9 C. On December 03, 2013, Bureau of Automotive Repair Representative Kevin
10 Sanderson sent a Probation Conference Notification letter to Amir Hossein Lotfizadeh to the
11 address of record. The letter was sent to request his presence at the Bureau of Automotive Repair'
12 Culver City Field Office for the next scheduled Probation Conference that was to be held on
13 December 20, 2013, at 10:00 a.m. Neither Amir Hossein Lotfizadeh, nor his authorized
14 Representative attended the conference or called to reschedule.

15 D. On February 07, 2014, Bureau of Automotive Repair Representative Luis Marin sent
16 a letter, via certified return receipt, to Amir Hossein Lotfizadeh to the address of record. The letter
17 basically stated: Amir Hossein Lottlzadeh was placed on probation. Amir Hossein Lottlzadeh has
18 only attended the first probation conference. The Bureau of Automotive Repair's Culver City
19 Field office has made repeated attempts to get Amir Hossein Lotfizadeh to attend follow-up
20 scheduled probation conferences. Based on Amir Hossein Lotfizadeh 's lack of cooperation a
21 petition will be forwarded to vacate the stay to revoke his probationary license. The United States
22 Postal Service mail receipt was signed as received on February 12, 2014.

23 SECOND CAUSE TO REVOKE PROBATION

24 (Failure to Pay Cost Recovery)

25 10. At all times after the effective date of Respondent's probation, Condition 10 stated:

26 "10. **Cost Recovery.** Payment to the Bureau of fifty percent of the total amount of cost
27 recovery (\$10,151.77) shall be received no later than 6 months before probation terminates, to be
28 paid in twenty-four (24) equal monthly installments. The amount to be paid is \$5,075.88. Failure

1 to complete payment of cost recovery within this time frame shall constitute a violation of
2 probation which may subject Respondent's License and/or Registration to outright revocation
3 without further hearing; however, the Director or the Director's Bureau of Automotive Repair
4 designee may elect to continue probation until such time as reimbursement of the entire cost
5 recovery amount has been made to the Bureau."

6 11. Respondent Amir Hossein Lotfizadeh's probation is subject to revocation because he
7 failed to comply with Probation Condition 10, referenced above. The facts and circumstances
8 regarding this violation are as follows:

9 A. As of March 26, 2014, Amir Hossein Lotfizadeh had failed to pay the BAR cost
10 recovery in 24 monthly installments as agreed. The payments were then past due by \$634.35

11 DISCIPLINE CONSIDERATIONS

12 12. To determine the degree of discipline, if any, to be imposed on Respondent Amir
13 Hossein Lotfizadeh, Complainant alleges that on or about September 28, 2012, in a prior
14 disciplinary action entitled "In the Matter of Accusation Against In & Out Smog and Oil Change
15 and Amir Hossein Lotfizadeh," before the Director of Consumer Affairs in Case No. . 79/12-38,
16 Respondent's licenses were disciplined for the violations alleged in that underlying Accusation.
17 That decision is now final and is incorporated by reference as if fully set forth.

18 PRAYER

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

21 1. Revoking the probation that was granted by the Bureau of Automotive Repair in Case
22 No. 79/12-38 and imposing the disciplinary order that was stayed thereby revoking Automotive
23 Repair Dealer Registration No. ARD 243065 issued to In & Out Smog and Oil Change; Amir
24 Hossein Lotfizadeh;

25 2. Revoking or suspending Automotive Repair Dealer Registration No. ARD 243065,
26 issued to In & Out Smog and Oil Change; Amir Hossein Lotfizadeh;

27 3. Revoking the probation that was granted by the Bureau of Automotive Repair in Case
28 No. 79/12-38 and imposing the disciplinary order that was stayed thereby revoking Smog Check

1 Test Only Station License No. TC 243065, issued to In & Out Smog and Oil Change; Amir
2 Hossein Lotfizadeh.

3 4. Revoking or suspending Smog Check Test Only Station License No. TC 243065,
4 issued to In & Out Smog and Oil Change; Amir Hossein Lotfizadeh.

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

7 DATED: October 15, 2014 Patrick Dorais

8 PATRICK DORAIS
9 Chief
10 Bureau of Automotive Repair
11 Department of Consumer Affairs
12 State of California
13 *Complainant*

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13 In & out ptr final.doc
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Exhibit A

Decision and Order

Bureau of Automotive Repair Case No. 79/12-38