

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

In the Matter of the Accusation Against:

**ABSOLUTE TEST; VICTOR KANEVSKY**

15201 Oxnard St, Unit B  
Van Nuys, CA 91411

Automotive Repair Dealer Registration No.  
ARD 260184

Smog Check, Test Only, Station License No.  
TC 260184

Advanced Emission Specialist Technician  
License No. EA 631122

Case No. 79/12-16

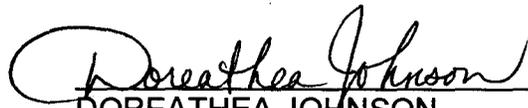
Respondent.

**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 6/11/12.

DATED: May 4, 2012

  
DOREATHEA JOHNSON  
Deputy Director, Legal Affairs  
Department of Consumer Affairs

1 KAMALA D. HARRIS  
Attorney General of California  
2 GLORIA A. BARRIOS  
Supervising Deputy Attorney General  
3 M. TRAVIS PEERY  
Deputy Attorney General  
4 State Bar No. 261887  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
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6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*

7  
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. 79/12-16

13 **ABSOLUTE TEST; VICTOR KANEVSKY**  
14 **15201 Oxnard St, Unit B**  
15 **Van Nuys, CA 91411**  
16 **Automotive Repair Dealer Registration No.**  
17 **ARD 260184**  
18 **Smog Check, Test Only, Station License No.**  
19 **TC 260184**  
20 **Advanced Emission Specialist Technician**  
21 **License No. EA 631122**

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

22 Respondents.

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. She  
27 brought this action solely in her official capacity and is represented in this matter by Kamala D.  
28 Harris, Attorney General of the State of California, by M. Travis Peery, Deputy Attorney General.

2. Respondent Absolute Test; Victor Kanevsky (Respondent) is representing himself in  
this proceeding and has chosen not to exercise his right to be represented by counsel.

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1 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel  
2 the attendance of witnesses and the production of documents; the right to reconsideration and  
3 court review of an adverse decision; and all other rights accorded by the California  
4 Administrative Procedure Act and other applicable laws.

5 9. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
6 every right set forth above.

7 CULPABILITY

8 10. Respondent admits the truth of each and every charge and allegation in Accusation  
9 No. 79/12-16.

10 11. Respondent agrees that his Automotive Repair Dealer Registration is subject to  
11 discipline and he agrees to be bound by the Director's imposition of discipline as set forth in the  
12 Disciplinary Order below.

13 CONTINGENCY

14 12. This stipulation shall be subject to approval by the Director of Consumer Affairs or  
15 his designee. Respondent understands and agrees that counsel for Complainant and the staff of  
16 the Bureau of Automotive Repair may communicate directly with the Director and staff of the  
17 Department of Consumer Affairs regarding this stipulation and settlement, without notice to or  
18 participation by Respondent. By signing the stipulation, Respondent understands and agrees that  
19 he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Director  
20 considers and acts upon it. If the Director fails to adopt this stipulation as the Decision and  
21 Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for  
22 this paragraph, it shall be inadmissible in any legal action between the parties, and the Director  
23 shall not be disqualified from further action by having considered this matter.

24 13. The parties understand and agree that facsimile copies of this Stipulated Settlement  
25 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and  
26 effect as the originals.

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1           3.     The Bureau shall treat Respondent's future application for registration or licensure to  
2 the Bureau or petition for reinstatement of registration or license by the Bureau, if any, as a new  
3 application for registration or licensure. Respondent Victor Kanevsky must comply with all the  
4 laws, regulations, and procedures for licensure in effect at the time the application or petition is  
5 filed, and all of the charges and allegations contained in Accusation No. 79/12-16 shall be  
6 deemed to be true, correct, and admitted by Respondent Victor Kanevsky when the Bureau  
7 determines whether to grant or deny the application or petition.

8           4.     Respondent Victor Kanevsky shall pay the Bureau its cost of investigation and  
9 enforcement in the amount of \$4,169.38, if and when he submits an application for a new  
10 registration or license and/or a petition for reinstatement of registration or license.

11          5.     Respondent shall not apply for licensure or petition for reinstatement for one (1) year  
12 from the effective date of the Director's Decision and Order.

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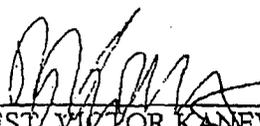
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ACCEPTANCE

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

DATED: 04/07/2012   
ABSOLUTE TEST, VICTOR KANEVSKY  
Respondent

ENDORSEMENT

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

Dated: 4/10/12

Respectfully submitted,  
KAMALA D. HARRIS  
Attorney General of California  
GLORIA A. BARRIOS  
Supervising Deputy Attorney General

  
M. TRAVIS PEERY  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 79/12-16**

1 KAMALA D. HARRIS  
Attorney General of California  
2 GLORIA A. BARRIOS  
Supervising Deputy Attorney General  
3 M. TRAVIS PEERY  
Deputy Attorney General  
4 State Bar No. 261887  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-0962  
6 Facsimile: (213) 897-2804  
Attorneys for Complainant  
7

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. 74/12-16

12 **ABSOLUTE TEST**  
15201 Oxnard Street, Unit B  
13 Van Nuys, CA 91411  
Mailing Address:  
14 5700 Etiwanda Avenue, Unit 125  
Tarzana, CA 91356  
15 **VICTOR KANEVSKY, OWNER**  
Automotive Repair Dealer Registration No.  
16 ARD 260184  
Smog Check Test Only Station License No.  
17 TC 260184,

**ACCUSATION**

**SMOG CHECK**

18 **VICTOR KANEVSKY**  
5700 Etiwanda Avenue, Unit 125  
19 Tarzana, CA 91356  
Advanced Emission Specialist Technician  
20 License No. EA 631122,

21 **JONE ADWAR SAPA**  
10342 Whitaker Ave  
22 Granada Hills, CA 91344  
Advanced Emission Specialist Technician  
23 License No. EA 139533

24 Respondents.

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26 Complainant alleges:

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1 PARTIES

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

4 **Automotive Repair Dealer Registration**

5 2. On or about December 9, 2009, the Bureau issued Automotive Repair Dealer  
6 Registration Number ARD 260184 ("registration") to Victor Kanevsky ("Respondent Absolute  
7 Test") doing business as Absolute Test. The registration was in full force and effect at all times  
8 relevant to the charges brought herein and will expire on November 30, 2011, unless renewed.

9 **Smog Check Test Only Station License**

10 3. On or about December 14, 2009, the Bureau issued Smog Check Test Only Station  
11 License Number TC 260184 ("station license") to Respondent Absolute Test. The station license  
12 was in full force and effect at all times relevant to the charges brought herein and will expire on  
13 November 30, 2011, unless renewed.

14 **Advanced Emission Specialist Technician License**

15 4. On or about June 24, 2009, the Bureau issued Advanced Emission Specialist  
16 Technician License Number EA 631122 ("technician license") to Victor Kanevsky ("Respondent  
17 Kanevsky"). The technician license was in full force and effect at all times relevant to the  
18 charges brought herein and will expire on July 31, 2013, unless renewed.

19 **Advanced Emission Specialist Technician License**

20 5. On a date uncertain in 1998, the Bureau issued Advanced Emission Specialist  
21 Technician License Number EA 139533 ("technician license") to Jone Adwar Sapa ("Respondent  
22 Sapa"). The technician license was in full force and effect at all times relevant to the charges  
23 brought herein and will expire on January 31, 2013, unless renewed.

24 STATUTORY PROVISIONS

25 6. Section 9884.7 of the Business and Professions Code ("Code") states, in pertinent  
26 part:

27 (a) The director, where the automotive repair dealer cannot show there  
28 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

1 related to the conduct of the business of the automotive repair dealer, which are done  
2 by the automotive repair dealer or any automotive technician, employee, partner,  
3 officer, or member of the automotive repair dealer.

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

7 (4) Any other conduct that constitutes fraud.

8 (b) Except as provided for in subdivision (c), if an automotive repair  
9 dealer operates more than one place of business in this state, the director pursuant to  
10 subdivision (a) shall only suspend, revoke, or place on probation the registration of  
11 the specific place of business which has violated any of the provisions of this chapter.  
12 This violation, or action by the director, shall not affect in any manner the right of the  
13 automotive repair dealer to operate his or her other places of business.

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

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

23 8. Code section 477 provides, in pertinent part, that "Board" includes "bureau,"  
24 "commission," "committee," "department," "division," "examining committee," "program," and  
25 "agency." "License" includes certificate, registration or other means to engage in a business or  
26 profession regulated by the Code.

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

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

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

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

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

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

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

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

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

#### 11 COST RECOVERY

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

#### 16 SURVEILLANCE OPERATION – MAY 19, 2011

17 14. On or about May 19, 2011, the Bureau performed a video-taped surveillance at  
18 Respondent Absolute Test's facility. The surveillance operation and information obtained from  
19 the Bureau's Vehicle Information Database ("VID") revealed that between 1048 hours and 1456  
20 hours, Respondent Sapa, with the assistance of an unidentified technician, performed three (3)  
21 smog inspections that resulted in the issuance of electronic certificates of compliance for the  
22 vehicles set forth in Table 1, below. Respondent Sapa certified that he had tested and inspected  
23 those vehicles and that the vehicles were in compliance with applicable laws and regulations. In  
24 fact, Respondent Sapa performed the smog inspections using the clean piping method<sup>1</sup> by using  
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26 <sup>1</sup> "Clean piping" is sampling the (clean) tailpipe emissions and/or the RPM readings of  
27 another vehicle for the purpose of illegally issuing smog certifications to vehicles that are not in  
28 compliance or are not present in the smog check area during the time of the certification.

1 the tail pipe emissions of vehicles other than the vehicles being certified in order to issue the  
2 electronic certificates of compliance. Regarding Vehicle 1, the unidentified technician performed  
3 the tests and inspections using Respondent Sapa's access code. Further, Vehicle 1 was not tested  
4 during the OBD II<sup>2</sup> functional test and another vehicle was used, constituting clean plugging, and  
5 Vehicles 2 and 3 were not tested during the low-pressure fuel evaporative test and another vehicle  
6 was used, constituting clean coupling<sup>3</sup>.

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20 <sup>2</sup> The On Board Diagnostics (OBD II) functional test is an automated function of the BAR-97  
21 analyzer. During the OBD II functional test, the technician is required to connect an interface cable from  
22 the BAR-97 analyzer to a Diagnostic Link Connector (DLC) which is located inside the vehicle. Through  
23 the DLC, the BAR-97 analyzer automatically retrieves information from the vehicle's on-board computer  
24 about the status of the readiness indicators, trouble codes, and the MIL (malfunction indicator light). If the  
25 vehicle fails the OBD II functional test, it will fail the overall inspection.

26 Clean plugging is the use of the OBD II readiness monitor status and stored fault code (trouble  
27 code) status of a passing vehicle for the purpose of illegally issuing a smog certificate to another vehicle  
28 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.

29 <sup>3</sup> Clean coupling is the use of another vehicle's fuel evaporative system, that has passed a  
smog inspection, during the low-pressure fuel evaporative test. This test insures the integrity of  
the fuel vapor (hydrocarbons) containment systems.

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Table 1

Date and Test Times	Vehicle Certified	Vehicle Actually Tested	Certificate Issued	Details
1 5/19/2011 1048 hours to 1055 hours	2001 Dodge Dakota Pickup, License No. 7Y60735	2001 Nissan Quest, License No. 4SGV564	OC860738C	An unidentified technician performed the test using Respondent Sapa's access code. Respondent Sapa was on the premises during the test. Certified vehicle was not tested during the OBD II test.
2 5/19/2011 1400 hours to 1411 hours	1989 Ford Thunderbird, License No. 2RRA320	1995 Nissan Altima, License No. 3NLC125	OC860743C	Respondent Sapa performed the tests. The certified vehicle was not tested during the low-pressure fuel evaporative test.
3 5/19/2011 1440 hours to 1456 hours	1993 GMC G3500 Rally Wagon, License No. 4R71825	Blue Mercedes and a 1995 Nissan Altima, License No. 3NLC125	OC860744C	Respondent Sapa performed the tests. The certified vehicle was not tested during the low-pressure fuel evaporative test.

**FIRST CAUSE FOR DISCIPLINE**

**(Misleading Statements)**

15. Respondent Absolute Test has subjected his registration to discipline under Code section 9884.7, subdivision (a)(1), in that on or about May 19, 2011, he made statements which he knew or which by exercise of reasonable care he should have known were untrue or misleading when he issued electronic certificates of compliance for the vehicles set forth in Table 1, above, certifying that those vehicles were in compliance with applicable laws and regulations when, in fact, Vehicle 1 had been clean piped and clean plugged and Vehicles 2 and 3 had been clean piped and clean coupled.

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1 **FOURTH CAUSE FOR DISCIPLINE**

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

3 18. Respondent Absolute Test has subjected his station license to discipline under Health  
4 and Safety Code section 44072.2, subdivision (c), in that on or about May 19, 2011, regarding the  
5 vehicles set forth in Table 1, above, he violated sections of the California Code of Regulations,  
6 title 16, as follows:

7 a. Section 3340.24, subdivision (c): Respondent Absolute Test falsely or fraudulently  
8 issued electronic certificates of compliance without performing bona fide inspections of the  
9 emission control devices and systems on those vehicles as required by Health and Safety Code  
10 section 44012.

11 b. Section 3340.35, subdivision (c): Respondent Absolute Test issued electronic  
12 certificates of compliance even though those vehicles had not been inspected in accordance with  
13 section 3340.42 of that Code.

14 c. Section 3340.42: Respondent Absolute Test failed to conduct the required smog tests  
15 and inspections on those vehicles in accordance with the Bureau's specifications.

16 **FIFTH CAUSE FOR DISCIPLINE**

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

18 19. Respondent Absolute Test subjected his station license to discipline under Health and  
19 Safety Code section 44072.2, subdivision (d), in that on or about May 19, 2011, regarding the  
20 vehicles set forth in Table 1, above, he committed acts involving dishonesty, fraud or deceit  
21 whereby another was injured by issuing electronic certificates of compliance for those vehicles  
22 without performing bona fide inspections of the emission control devices and system on those  
23 vehicles, thereby depriving the People of the State of California of the protection afforded by the  
24 Motor Vehicle Inspection Program.

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1 other than the vehicles being certified in order to issue the electronic certificates of compliance.  
 2 Further, Vehicle 1 was not tested during the low-pressure fuel evaporative test and another  
 3 vehicle was used constituting clean coupling, and Vehicle 2 was not tested during the OBD II  
 4 functional test and another vehicle was used, constituting clean plugging.

5 **Table 2**

Date and Test Times	Vehicle Certified	Vehicle Actually Tested	Certificate Issued	Details
1 5/20/2011 1554 hours to 1606 hours	1986 Buick Regal, License No. 4HXG207	1995 Nissan Altima, License No. 3NLC125	OC958453C	Respondent Sapa performed the test. The certified vehicle was not tested during the low-pressure fuel evaporative test.
2 5/20/2011 1613 hours to 1621 hours	1997 BMW 5 Series, License No. 6JYW406	2002 Saturn Station Wagon, License No. NQC603	OC958454C	An unidentified technician performed the tests using Respondent Sapa's access code. Respondent Sapa drove the vehicle out of the test bay. Certified vehicle was not tested during the OBD II test.

17 **NINTH CAUSE FOR DISCIPLINE**

18 **(Misleading Statements)**

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 20 24. Respondent Absolute Test has subjected his registration to discipline under Code  
 21 section 9884.7, subdivision (a)(1), in that on or about May 20, 2011, he made statements which  
 22 he knew or which by exercise of reasonable care he should have known were untrue or  
 23 misleading when he issued electronic certificates of compliance for the vehicles set forth in Table  
 24 2, above, certifying that those vehicles were in compliance with applicable laws and regulations  
 25 when, in fact, Vehicle 1 had been clean piped and clean coupled and Vehicle 2 had been clean  
 26 piped and clean plugged.

1 **TENTH CAUSE FOR DISCIPLINE**

2 (Fraud)

3 25. Respondent Absolute Test has subjected his registration to discipline under Code  
4 section 9884.7, subdivision (a)(4), in that on or about May 20, 2011, he committed acts which  
5 constitute fraud by issuing electronic certificates of compliance for the vehicles set forth in Table  
6 2, above, without performing bona fide inspections of the emission control devices and systems  
7 on those vehicles, thereby depriving the People of the State of California of the protection  
8 afforded by the Motor Vehicle Inspection Program.

9 **ELEVENTH CAUSE FOR DISCIPLINE**

10 (Violation of the Motor Vehicle Inspection Program)

11 26. Respondent Absolute Test has subjected his station license to discipline under Health  
12 and Safety Code section 44072.2, subdivision (a), in that on or about May 20, 2011, regarding the  
13 vehicles set forth in Table 2, above, he violated sections of that Code, as follows:

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

17 b. **Section 44012, subdivision (f):** Respondent Absolute Test failed to perform  
18 emission control tests on those vehicles in accordance with procedures prescribed by the  
19 department.

20 c. **Section 44015, subdivision (b):** Respondent Absolute Test issued electronic  
21 certificates of compliance without properly testing and inspecting the vehicles to determine if  
22 they were in compliance with section 44012 of that Code.

23 d. **Section 44059:** Respondent Absolute Test willfully made false entries for the  
24 electronic certificates of compliance by certifying that those vehicles had been inspected as  
25 required when, in fact, they had not.

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1 **THIRTEENTH CAUSE FOR DISCIPLINE**

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

3 27. Respondent Absolute Test has subjected his station license to discipline under Health  
4 and Safety Code section 44072.2, subdivision (c), in that on or about May 20, 2011, regarding the  
5 vehicles set forth in Table 2, above, he violated sections of the California Code of Regulations,  
6 title 16, as follows:

7 a. **Section 3340.24, subdivision (c):** Respondent Absolute Test falsely or fraudulently  
8 issued electronic certificates of compliance without performing bona fide inspections of the  
9 emission control devices and systems on those vehicles as required by Health and Safety Code  
10 section 44012.

11 b. **Section 3340.35, subdivision (c):** Respondent Absolute Test issued electronic  
12 certificates of compliance even though those vehicles had not been inspected in accordance with  
13 section 3340.42 of that Code.

14 c. **Section 3340.42:** Respondent Absolute Test failed to conduct the required smog tests  
15 and inspections on those vehicles in accordance with the Bureau's specifications.

16 **FOURTEENTH CAUSE FOR DISCIPLINE**

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

18 28. Respondent Absolute Test subjected his station license to discipline under Health and  
19 Safety Code section 44072.2, subdivision (d), in that on or about May 20, 2011, regarding the  
20 vehicles set forth in Table 2, above, he committed acts involving dishonesty, fraud or deceit  
21 whereby another was injured by issuing electronic certificates of compliance for those vehicles  
22 without performing bona fide inspections of the emission control devices and system on those  
23 vehicles, thereby depriving the People of the State of California of the protection afforded by the  
24 Motor Vehicle Inspection Program.

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1 **FIFTEENTH CAUSE FOR DISCIPLINE**

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

3 29. Respondent Sapa has subjected his technician license to discipline under Health and  
4 Safety Code section 44072.2, subdivision (a), in that on or about May 20, 2011, regarding the  
5 vehicles set forth in Table 2, above, he violated sections of that Code, as follows:

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

9 b. **Section 44012, subdivision (f):** Respondent Sapa failed to perform emission control  
10 tests on those vehicles in accordance with procedures prescribed by the department.

11 c. **Section 44032:** Respondent Sapa failed to perform tests of the emission control  
12 devices and systems on those vehicles in accordance with section 44012 of that Code, in that,  
13 Vehicle 1 had been clean piped and clean coupled and Vehicle 2 had been clean piped and clean  
14 plugged.

15 d. **Section 44059:** Respondent Sapa willfully made false entries for the electronic  
16 certificates of compliance by certifying that those vehicles had been inspected as required when,  
17 in fact, they had not.

18 **SIXTEENTH CAUSE FOR DISCIPLINE**

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

20 30. Respondent Sapa has subjected his technician license to discipline under Health and  
21 Safety Code section 44072.2, subdivision (c), in that on or about May 20, 2011, regarding the  
22 vehicles set forth in Table 2, above, he violated sections of the California Code of Regulations,  
23 title 16, as follows:

24 a. **Section 3340.24, subdivision (c):** Respondent Sapa falsely or fraudulently issued  
25 electronic certificates of compliance without performing bona fide inspections of the emission  
26 control devices and systems on those vehicles as required by Health and Safety Code section  
27 44012.

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1 Advanced Emission Specialist Technician License Number EA 631122, issued to Victor  
2 Kanevsky.

3 34. Under Health and Safety Code section 44072.8, if Advanced Emission Specialist  
4 Technician License Number EA 139533, issued to Jone Adwar Sapa, is revoked or suspended,  
5 any additional license issued under this chapter in the name of said licensee may be likewise  
6 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, suspending, or placing on probation, Automotive Repair Dealer  
11 Registration Number ARD 260184, issued to Victor Kanevsky doing business as Absolute Test;

12 2. Revoking, suspending, or placing on probation, any other automotive repair dealer  
13 registration issued to Victor Kanevsky;

14 3. Revoking or suspending Smog Check Test Only Station License Number TC 260184,  
15 issued to Victor Kanevsky doing business as Absolute Test;

16 4. Revoking or suspending any additional license issued under Chapter 5 of the Health  
17 and Safety Code in the name of Victor Kanevsky including, but not limited to Advanced  
18 Emission Specialist Technician License Number EA 631122;

19 5. Revoking or suspending Advanced Emission Specialist Technician License Number  
20 EA 139533, issued to Jone Adwar Sapa ;

21 6. Revoking or suspending any additional license issued under Chapter 5 of the Health  
22 and Safety Code in the name of Jone Adwar Sapa;

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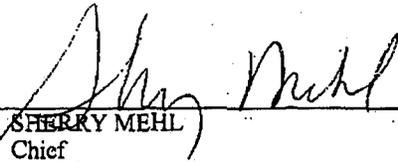
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7. Ordering Victor Kanevsky and Jone Adwar Sapa to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

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

DATED:

8/31/11



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

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