

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

In the Matter of the Accusation Against:

IN-N-OUT SMOG CHECK;
TAHA H. RASHIK;
406 S. Chester Avenue
Bakersfield, CA 93304
Automotive Repair Dealer Registration No.
ARD 262846
Smog Check, Test Only, Station License
No. TC 262846

SARTAJ SINGH
5308 Villa Bella Lane
Bakersfield, CA 93311
Advanced Emission Specialist Technician
License No. EA632046 (to be
redesignated Upon renewal as
EO 632046 and/or EI 632046)

Respondents.

Case No. 79/13-102

OAH No. 2013090645

DECISION

The attached Stipulated Settlement and Disciplinary Order As To Taha H. Rashik Only is hereby accepted and adopted as the Decision of the Director of the Department of Consumer Affairs in the above-entitled matter only as to respondent In-N-Out Smog, Taha H. Rashik, Owner, Automotive Repair Dealer Registration No. ARD 262846 and Smog Check, Test Only, Station License No. TC 262846.

This Decision shall become effective March 28, 2014.

DATED: MAR 11 2014



DONALD CHANG
Assistant Chief Counsel
Department of Consumer Affairs

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
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7

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

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In the Matter of the Accusation Against:
IN-N-OUT SMOG CHECK; TAHA H. RASHIK;
406 S. Chester Avenue
Bakersfield, CA 93304
Automotive Repair Dealer Registration No.
ARD 262846
Smog Check Test Only Station License No.
TC 262846

Respondents.

Case No. 79/13-102
OAH No. 2013090645
**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER AS TO TAHA
H. RASHIK ONLY**

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

PARTIES

1. Patrick Dorais ("Complainant") is the Chief of the Bureau of Automotive Repair. He brought this action solely in his official capacity and is represented in this matter by Kamala D. Harris, Attorney General of the State of California, by Gregory J. Salute, Supervising Deputy Attorney General.
2. Respondent In-N-Out Smog Check; Taha H. Rashik; ("Respondent") is representing itself in this proceeding and has chosen not to exercise its right to be represented by counsel.

1 3. On or about August 2, 2010, the Bureau of Automotive Repair issued Automotive
2 Repair Dealer Registration No. ARD 262846 to In-N-Out Smog Check; Taha H. Rashik;
3 (Respondent). The Automotive Repair Dealer Registration was in full force and effect at all
4 times relevant to the charges brought in Accusation No. 79/13-102 and will expire on August 31,
5 2014, unless renewed.

6 4. On or about August 11, 2010, the Bureau of Automotive Repair issued Smog Check
7 Test Only Station License No. TC 262846 to In-N-Out Smog Check; Taha H. Rashik;
8 (Respondent). The Smog Check Test Only Station License was in full force and effect at all
9 times relevant to the charges brought in Accusation No. 79/13-102 and will expire on August 31,
10 2014, unless renewed.

11 JURISDICTION

12 5. Accusation No. 79/13-102 was filed before the Director of Consumer Affairs
13 (Director), for the Bureau of Automotive Repair (Bureau), and is currently pending against
14 Respondent. The Accusation and all other statutorily required documents were properly served
15 on Respondent on July 5, 2013. Respondent timely filed its Notice of Defense contesting the
16 Accusation.

17 6. A copy of Accusation No. 79/13-102 is attached as Exhibit A and incorporated herein
18 by reference.

19 ADVISEMENT AND WAIVERS

20 7. Respondent has carefully read, and understands the charges and allegations in
21 Accusation No. 79/13-102. Respondent has also carefully read, and understands the effects of
22 this Stipulated Settlement and Disciplinary Order.

23 8. Respondent is fully aware of its legal rights in this matter, including the right to a
24 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
25 its own expense; the right to confront and cross-examine the witnesses against them; the right to
26 present evidence and to testify on its own behalf; the right to the issuance of subpoenas to compel
27 the attendance of witnesses and the production of documents; the right to reconsideration and
28

1 court review of an adverse decision; and all other rights accorded by the California
2 Administrative Procedure Act and other applicable laws.

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

5 CULPABILITY

6 10. While not making any personal admissions to the above charges, Respondent agrees
7 that for the purposes of resolving the Accusation without the expense and uncertainty of further
8 proceedings, Complainant could establish a prima facie factual basis for each of the charges
9 contained in Accusation No. 79/13-102 and that those charges constitute cause for discipline.
10 Respondent further agrees that he is estopped from denying that cause exists for discipline on his
11 registration and license in any future proceedings before the parties herein and hereby gives up
12 his right to contest that cause for discipline exists based upon those charges.

13 11. Respondent agrees that its Automotive Repair Dealer Registration and Smog Check
14 Test Only Station License are subject to discipline and he agrees to be bound by the Director's
15 imposition of discipline as set forth in the Disciplinary Order below.

16 CIRCUMSTANCES IN MITIGATION

17 12. Respondent In-N-Out Smog Check; Taha H. Rashik; has never been the subject of
18 any disciplinary action. They are admitting responsibility at an early stage in the proceedings.

19 RESERVATION

20 13. The admissions made by Respondent herein are only for the purposes of this
21 proceeding, or any other proceedings in which the Director of Consumer Affairs, Bureau of
22 Automotive Repair, and shall not be admissible in any other criminal or civil proceeding.

23 CONTINGENCY

24 14. This stipulation shall be subject to approval by the Director of Consumer Affairs or
25 the Director's designee. Respondent understands and agrees that counsel for Complainant and the
26 staff of the Bureau of Automotive Repair may communicate directly with the Director and staff of
27 the Department of Consumer Affairs regarding this stipulation and settlement, without notice to
28 or participation by Respondent. By signing the stipulation, Respondent understands and agrees

1 that they may not withdraw its agreement or seek to rescind the stipulation prior to the time the
2 Director considers and acts upon it. If the Director fails to adopt this stipulation as the Decision
3 and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except
4 for this paragraph, it shall be inadmissible in any legal action between the parties, and the
5 Director shall not be disqualified from further action by having considered this matter.

6 15. The parties understand and agree that Portable Document Format (PDF) and facsimile
7 copies of this Stipulated Settlement and Disciplinary Order, including Portable Document Format
8 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

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

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

18 **DISCIPLINARY ORDER**

19 IT IS HEREBY ORDERED that Automotive Repair Dealer Registration No. ARD 262846
20 and Smog Check Test Only Station License No. TC 262846 to Respondent In-N-Out Smog
21 Check; Taha H. Rashik; (Respondent) are both revoked. IT IS HEREBY FURTHER
22 ORDERED that collection of the Bureau's costs of investigation and prosecution of this matter in
23 the amount of \$6207.63 shall be waived unless and until Respondent applies for re-licensure of
24 any license or registration issued by the Bureau at which time costs shall become due and payable
25 to the Bureau.

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28 **ACCEPTANCE**

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

6
7 DATED: 1/27/14



IN-N-OUT SMOG CHECK; TAHA H. RASHIK;
Respondent

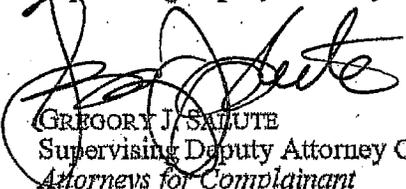
10 ENDORSEMENT

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

13 Dated: 1-29-14

Respectfully submitted,

14 KAMALA D. HARRIS
Attorney General of California
15 MARC D. GREENBAUM
Supervising Deputy Attorney General



GREGORY J. SALUTE
Supervising Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 79/13-102

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7 *Attorneys for Complainant*

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

11
12 In the Matter of the Accusation Against:

Case No. 79/13-102

13 **IN-N-OUT SMOG**
TAHA H. RASHIK, OWNER
14 406 S. Chester Avenue
Bakersfield, CA 93304
15 Automotive Repair Dealer Reg. No. ARD 262846
Smog Check Test Only Station License No. TC
16 262846,

ACCUSATION

(Smog Check)

17 **SARTAJ SINGH**
5308 Villa Bella Lane
18 Bakersfield, Ca. 93311
Advanced Emission Specialist Technician
19 License EA632046 (to be redesignated upon
renewal as EO632046 and/or EI632046)

20 Respondents.

21
22 Complainant alleges:

23 **PARTIES**

24 1. John Wallauch ("Complainant") brings this Accusation solely in his official capacity
25 as the Chief of the Bureau of Automotive Repair ("Bureau"), Department of Consumer Affairs.

26 **In-N-Out Smog Check**

27 2. On or about August 2, 2010, the Director of Consumer Affairs ("Director") issued
28 Automotive Repair Dealer Registration Number ARD 262846 ("registration") to Taha H. Rashik

1 (“Respondent Rashik”), doing business as In-N-Out Smog Check. The registration was in full
2 force and effect at all times relevant to the charges brought herein and will expire on August 31,
3 2013, unless renewed.

4 3. On or about August 11, 2010, the Director issued Smog Check Test Only Station
5 License Number TC 262846 (“station license”) to Respondent Rashik, doing business as In-N-
6 Out Smog Check. The station license was in full force and effect at all times relevant to the
7 charges brought herein and will expire on August 31, 2013, unless renewed.

8 **Sartaj Singh**

9 4. On or about May 6, 2010, the Director issued Advanced Emission Specialist
10 Technician License Number EA 632046 (“technician license”) to Sartaj Singh (“Respondent
11 Singh”). Respondent Singh’s technician license is due to expire on May 31, 2014. Upon timely
12 renewal of the license, the license will be redesignated as EO 632046 and/or EI 632046.¹

13 **JURISDICTION**

14 5. Business and Professions Code (“Code”) section 9884.7 provides that the Director
15 may revoke an automotive repair dealer registration.

16 6. Code section 9884.13 provides, in pertinent part: that the expiration of a valid
17 registration shall not deprive the Director of jurisdiction to proceed with a disciplinary proceeding
18 against an automotive repair dealer or to render a decision temporarily or permanently
19 invalidating (suspending or revoking) a registration.

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

23 8. California Code of Regulations, title 16, section 3340.28, subdivision (e), states that
24 [u]pon renewal of an unexpired Basic Area Technician license or an Advanced Emission

25 _____
26 ¹ Effective August 1, 2012, California Code of Regulations, title 16, sections 3340.28, 3340.29, and 3340.30 were
27 amended to implement a license restructure from the Advanced Emission Specialist Technician (EA) license and
28 Basic Area Technician (EB) license to Smog Check Inspector (EO) license and/or Smog Check Repair Technician
(EI) license.

1 Specialist Technician license issued prior to the effective date of this regulation, the licensee may
2 apply to renew as a Smog Check Inspector, Smog Check Repair Technician, or both.

3 **STATUTORY PROVISIONS**

4 9. Code section 9884.7 states, in pertinent part:

5 (a) The director, where the automotive repair dealer cannot show there
6 was a bona fide error, may refuse to validate, or may invalidate temporarily or
7 permanently, the registration of an automotive repair dealer for any of the following
8 acts or omissions related to the conduct of the business of the automotive repair
9 dealer, which are done by the automotive repair dealer or any automotive technician,
10 employee, partner, officer, or member of the automotive repair dealer.

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

14 (4) Any other conduct which constitutes fraud.

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

17 (b) Except as provided for in subdivision (c), if an automotive repair
18 dealer operates more than one place of business in this state, the director pursuant to
19 subdivision (a) shall only invalidate temporarily or permanently the registration of the
20 specific place of business which has violated any of the provisions of this chapter.
21 This violation, or action by the director, shall not affect in any manner the right of the
22 automotive repair dealer to operate his or her other places of business.

23 (c) Notwithstanding subdivision (b), the director may invalidate
24 temporarily or permanently, the registration for all places of business operated in this
25 state by an automotive repair dealer upon a finding that the automotive repair dealer
26 has, or is, engaged in a course of repeated and willful violations of this chapter, or
27 regulations adopted pursuant to it.

28 10. Code section 9884.9 states, in pertinent part:

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

1 11. Code section 118, subdivision (b) states: The suspension, expiration, or
2 forfeiture by operation of law of a license issued by a board in the department, or its
3 suspension, forfeiture, or cancellation by order of the board or by order of a court of
4 law, or its surrender without the written consent of the board, shall not, during any
5 period in which it may be renewed, restored, reissued, or reinstated, deprive the board
6 of its authority to institute or continue a disciplinary proceeding against the licensee
7 upon any ground provided by law or to enter an order suspending or revoking the
8 license or otherwise taking disciplinary action against the licensee on any such
9 ground.

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

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

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

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

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

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

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

15. Section 44072.8 of the Health and Safety Code states:
When a license has been revoked or suspended following a hearing under this article,
any additional license issued under this chapter in the name of the licensee may be
likewise revoked or suspended by the director.

COST RECOVERY

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

FRAUDULENT SMOG CHECK INSPECTION - AUGUST 21, 2012

17. On or about August 20, 2012, the Bureau received a tip from a smog check technician

1 (“technician”) stating he had been solicited by an individual to perform a fraudulent smog check
2 inspection. The individual told the technician he had removed the catalytic converter from his
3 2003 Ford F-350 truck (“F-350”), license No. 7G75786, and needed a smog inspection. The
4 technician refused to perform the fraudulent inspection and the individual then asked the
5 technician if he knew where he could get an illegal smog performed. The technician replied that
6 he did not know anyone who would perform the fraudulent smog check inspection.

7 18. The Bureau monitored their Vehicle Information Database (“VID”) and found that on
8 or about August 21, 2012, the 2003 Ford F-350 truck, license No. 7G75786, was issued
9 Certificate of Compliance No. XL005361 by In-N-Out Smog Check, TC 262846. The Bureau
10 contacted the Department of Motor Vehicles (“DMV”) and a hold was placed on the vehicle
11 registration.

12 19. On or about August 22, 2012, Bureau personnel went to the address of record for the
13 F-350 and performed a visual inspection of the vehicle. The inspection and photographs taken by
14 the Bureau confirmed the catalytic converter was required and not installed on the F-350.

15 20. On or about August 23, 2012, the Bureau received a phone call from Paul Howard
16 (“Howard”). Howard informed the Bureau he recently purchased the F-350 and when he
17 attempted to register it he was told by DMV there was a hold on the registration. Howard was
18 informed the vehicle was fraudulently issued a Certificate of Compliance. Howard agreed to
19 contact the person that sold him the F-350 and have the seller phone the Bureau.

20 21. On or about August 23, 2012, the Bureau received a phone call from Robert Jimenez
21 (“Jimenez”), the previous owner of the F-350. Jimenez spoke to Bureau representative Joseph
22 Blanton (“Blanton”) and asked him why there was a hold on the registration of the F-350 he had
23 recently sold. Blanton explained to Jimenez the vehicle had been certified illegally and would
24 have to be brought into compliance before the hold could be lifted.

25 22. On or about September 12, 2012, Jimenez came to the Bureau’s Bakersfield field
26 office and met with Bureau representative James Smith (“Smith”). Jimenez gave Smith a
27 statement regarding the facts leading up to the smog inspection of his 2003 Ford F-350 truck,
28 license No. 7G75786.

1 committed acts which constitute fraud by issuing electronic Certificate of Compliance No.
2 XL005361 for the 2003 Ford F-350 truck without performing a bona fide inspection of the
3 emission control devices and systems on the vehicle, thereby depriving the People of the State of
4 California of the protection afforded by the Motor Vehicle Inspection Program.

5 **THIRD CAUSE FOR DISCIPLINE**

6 **(Violation of the Motor Vehicle Inspection Program)**

7 27. Respondent Rashik has subjected his station license to discipline pursuant to Health
8 and Safety Code section 44072.2, subdivision (a), in that on or about August 21, 2012,
9 Respondent Rashik failed to comply with the following sections of that Code:

10 a. **Section 44012:** Respondent Rashik failed to ensure that the emission control tests
11 on the 2003 Ford F-350 truck were performed in accordance with procedures prescribed by the
12 department.

13 b. **Section 44015, subdivision (b):** Respondent Rashik and/or his employee issued
14 electronic Certificate of Compliance No. XL005361 for the 2003 Ford F-350 truck without
15 properly testing and inspecting the vehicle to determine if it was in compliance with section
16 44012 of that Code.

17 **FOURTH CAUSE FOR DISCIPLINE**

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

19 28. Respondent Rashik has subjected his station license to discipline pursuant to Health
20 and Safety Code section 44072.2, subdivision (c), in that on or about August 21, 2012,
21 Respondent Rashik failed to comply with provisions of the California Code of Regulations, title
22 16, as follows:

23 a. **Section 3340.35, subdivision (c):** Respondent Rashik and/or his employee issued
24 electronic Certificate of Compliance No. XL005361 for the 2003 Ford F-350 truck even though
25 the vehicle had not been inspected in accordance with section 3340.42 of that Code.

26 b. **Section 3340.42:** Respondent Rashik failed to ensure the required emission control
27 tests were conducted on the 2003 Ford F-350 truck in accordance with Bureau specifications.

28 ///

1 FIFTH CAUSE FOR DISCIPLINE

2 (Dishonesty, Fraud or Deceit)

3 29. Respondent Rashik has subjected his station license to discipline pursuant to Health
4 and Safety Code section 44072.2, subdivision (d), in that on or about August 21, 2012,
5 Respondent Rashik committed acts involving dishonesty, fraud or deceit whereby another was
6 injured by issuing electronic Certificate of Compliance No. XL005361 for the 2003 Ford F-350
7 truck without performing a bona fide inspection of the emission control devices and systems on
8 the vehicle, thereby depriving the People of the State of California of the protection afforded by
9 the Motor Vehicle Inspection Program.

10 SIXTH CAUSE FOR DISCIPLINE

11 (Violations of the Motor Vehicle Inspection Program)

12 30. Respondent Singh has subjected his technician licenses to discipline pursuant to
13 Health and Safety Code section 44072.2, subdivision (a), in that on or about August 21, 2012,
14 Respondent Singh failed to comply with the following sections of that code:

15 a. **Section 44012:** Respondent Singh failed to perform the required emission control
16 tests on the 2003 Ford F-350 truck in accordance with procedures prescribed by the department.

17 b. **Section 44032:** Respondent Singh failed to perform tests of the emission control
18 devices and systems on the 2003 Ford F-350 truck in accordance with section 44012 of that Code.

19 SEVENTH CAUSE FOR DISCIPLINE

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

21 31. Respondent Singh has subjected his technician licenses to discipline pursuant to
22 Health and Safety Code section 44072.2, subdivision (c), in that on or about August 21, 2012, he
23 failed to comply with provisions of the California Code of Regulations, title 16, as follows:

24 a. **Section 3340.30, subdivision (a):** Respondent Singh failed to inspect and
25 test the 2003 Ford F-350 truck in accordance with Health and Safety Code sections 44012 and
26 44035, and the California Code of Regulations, title 16, section 3340.42.

27 b. **Section 3340.41, subdivision (c):** Respondent Singh entered false information into
28 the Emission Inspection System for the 2003 Ford F-350 truck by entering "Pass" for the visual

1 portion of the smog inspection when, in fact, the vehicle could not pass the visual portion of the
2 inspection because the vehicle's catalytic converter was missing.

3 c. **Section 3340.42:** Respondent Singh failed to conduct the required smog tests
4 and inspections the 2003 Ford F-350 truck in accordance with the Bureau's specifications.

5 **EIGHTH CAUSE FOR DISCIPLINE**

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

7 32. Respondent Singh has subjected his technician licenses to discipline pursuant to
8 Health and Safety Code section 44072.2, subdivision (d), in that on or about August 21, 2012,
9 Respondent Singh committed acts involving dishonesty, fraud or deceit whereby another was
10 injured by issuing electronic Certificate of Compliance No. XL005361 for the 2003 Ford F-350
11 truck without performing a bona fide inspection of the emission control devices and systems on
12 the vehicle, thereby depriving the People of the State of California of the protection afforded by
13 the Motor Vehicle Inspection Program.

14 **UNDERCOVER OPERATION – OCTOBER 10, 2012**

15 33. On or about October 10, 2012, a Bureau undercover operator ("operator") drove a
16 Bureau documented 2008 Ford to In-N-Out Smog Check and requested a smog inspection. The
17 Catalytic Converter and Exhaust Gas Recirculation Valve had been removed from the truck
18 causing the vehicle to be incapable of passing a smog inspection. The operator did not sign a
19 work order and was not provided with a written estimate prior to the smog inspection.
20 Respondent Singh performed the smog inspection and failed the vehicle due to the missing
21 components.

22 **NINTH CAUSE FOR DISCIPLINE**

23 **(Failure to Comply with Code)**

24 34. Respondent Rashik has subjected his registration to discipline pursuant to Code
25 section 9884.7, subdivision (a)(6), in that on or about October 10, 2012, Respondent failed to
26 comply with the following section of that code:

27 a. **Section 9884.9, subdivision (a):** Respondent failed to provide the operator with a
28 written estimated price for parts and labor for a specific job.

1 OTHER MATTERS

2 35. Pursuant to Code section 9884.7, subdivision (c), the Director may refuse to validate,
3 or may invalidate temporarily or permanently, the registrations for all places of business operated
4 in this state by Taha H. Rashik, upon a finding that he has, or is engaged in a course of repeated
5 and willful violations of the laws and regulations pertaining to an automotive repair dealer.

6 36. Pursuant to Health & Safety Code section 44072.8, if Smog Check Test Only Station
7 License Number TC 262846, issued to Taha H. Rashik, doing business as In-N-Out Smog Check,
8 is revoked or suspended, any additional license issued under this chapter in the name of said
9 licensee may be likewise revoked or suspended by the director.

10 37. Pursuant to Health & Safety Code section 44072.8, if Respondent Singh's technician
11 license(s), currently designated as EA 632046 and as redesignated upon timely renewal as EO
12 632046 and/or EI 632046, is/are revoked or suspended, any additional license issued under this
13 chapter in the name of said licensee may be likewise revoked or suspended by the Director.

14 PRAYER

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

17 1. Revoking, suspending or placing on probation Automotive Repair Dealer Registration
18 Number ARD 262846, issued to Taha H. Rashik, doing business as In-N-Out Smog Check;

19 2. Revoking, suspending or placing on probation any other automotive repair dealer
20 registration issued in the name Taha H. Rashik;

21 3. Revoking or suspending Smog Check Test Only Station License Number TC 262846,
22 issued to Taha H. Rashik, doing business as In-N-Out Smog Check;

23 4. Revoking or suspending any additional license issued under Chapter 5 of the Health
24 and Safety Code in the name of Taha H. Rashik;

25 5. Revoking or suspending Sartaj Singh's smog technician license(s), currently
26 designated as EA 632046 and as redesignated upon his timely renewal as EO 632046 and/or EI
27 632046;

1 6. Revoking or suspending any additional license issued under Chapter 5 of the Health
2 and Safety Code in the name of Sartaj Singh;

3 7. Ordering Taha H. Rashik and Sartaj Singh to pay the Bureau of Automotive Repair the
4 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
5 Professions Code section 125.3; and,

6 8. Taking such other and further action as deemed necessary and proper.
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9 Dated: June 19 2013



JOHN WALLAUCH
Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California

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