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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. 79/09-38

13 **NORTHRIDGE GAS STATION, INC., D.B.A.**  
14 **NORTHRIDGE GAS STATION, INC.,**  
15 18473 Devonshire Street  
Northridge, California 91325  
16 **NOSRATOLAH BAHMAN, PRESIDENT**  
17 **ROYA BAHMAN, SECRETARY**

**FIRST AMENDED**  
**A C C U S A T I O N**  
  
**[SMOG CHECK]**

18 Automotive Repair Dealer Registration  
19 No. ARD 235414  
20 Smog Check Station License No. TC 235414

21 **PATRICK SARDARIAN**  
22 6815 Remmet Avenue, No. 218  
Canoga Park, California 91303

23 Advanced Emission Specialist Technician  
24 License No. EA 147697

25 Respondents.

26 Sherry Mehl ("Complainant") alleges:

27 **PARTIES**

28 I. Complainant brings this First Amended Accusation solely in her official  
capacity as the Chief of the Bureau of Automotive Repair ("Bureau"), Department of Consumer  
Affairs.

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**Automotive Repair Dealer Registration**

2. On or about November 16, 2004, the Bureau issued Automotive Repair Dealer Registration Number ARD 235414 ("registration") to Northridge Gas Station, Inc., ("Respondent Northridge"), doing business as Northridge Gas Station, Inc., with Nosratolah Bahman as President and Roya Bahman as Secretary. The registration will expire on August 31, 2009, unless renewed.

**Smog Check Test Only Station License**

3. On or about November 29, 2004, the Bureau issued Smog Check Test Only Station License Number TC 235414 ("station license") to Respondent Northridge. The station license will expire on August 31, 2009, unless renewed.

**Advanced Emission Specialist Technician License**

4. On a date uncertain in 2006, the Bureau issued Advanced Emission Specialist Technician Number EA 147697 ("technician license") to Patrick Sardarian ("Respondent Sardarian"). The technician license will expire on May 31, 2009, unless renewed.

**STATUTORY PROVISIONS**

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

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

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

(4) Any other conduct which constitutes fraud.

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

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1 the right of the automotive repair dealer to operate his or her other places of  
2 business.

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

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

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

16 8. Section 44002 of the Health & Safety Code provides, in pertinent part, that  
17 the Director has all the powers and authority granted under the Automotive Repair Act for  
18 enforcing the Motor Vehicle Inspection Program.

19 9. Section 44072.2 of the Health & Safety Code states, in pertinent part:

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

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

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

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

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





1 **FOURTH CAUSE FOR DISCIPLINE**

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

3 17. Respondent Northridge's station license is subject to disciplinary action  
4 pursuant to Health & Safety Code section 44072.2, subdivision (c), in that on or about May 2,  
5 2008, regarding the 1988 Toyota Corolla, it failed to comply with provisions of California Code  
6 of Regulations, title 16, as follows:

7 a. **Section 3340.24, subdivision (c):** Respondent Northridge falsely or  
8 fraudulently issued electronic Certificate of Compliance No. NA411219 for that vehicle, in that  
9 the vehicle could not pass the visual portion of the smog inspection because the vehicle's AIS  
10 was missing.

11 b. **Section 3340.35, subdivision (c):** Respondent Northridge issued  
12 electronic Certificate of Compliance No. NA411219 for that vehicle even though the vehicle had  
13 not been inspected in accordance with section 3340.42.

14 c. **Section 3340.42:** Respondent Northridge failed to conduct the required  
15 smog tests on the vehicle in accordance with the Bureau's specifications.

16 **FIFTH CAUSE FOR DISCIPLINE**

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

18 18. Respondent Northridge's station license is subject to disciplinary action  
19 pursuant to Health & Safety Code section 44072.2, subdivision (d), in that on or about May 2,  
20 2008, it committed dishonest, fraudulent or deceitful acts whereby another is injured by issuing  
21 electronic Certificate of Compliance No. NA411219 for the 1988 Toyota Corolla without  
22 performing a bona fide inspection of the emission control devices and systems on the vehicle,  
23 thereby depriving the People of the State of California of the protection afforded by the Motor  
24 Vehicle Inspection Program.

25 **SIXTH CAUSE FOR DISCIPLINE**

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

27 19. Respondent Sardarian has subjected his technician license to discipline

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1 under Health and Safety Code section 44072.2, subdivision (a), in that on or about May 2, 2008,  
2 regarding the 1988 Toyota Corolla, he violated sections of that Code, as follows:

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

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

9 c. **Section 44032:** Respondent Sardarian failed to perform tests of the  
10 emission control devices and systems on that vehicle in accordance with section 44012 of that  
11 Code, in that the vehicle could not have passed the visual portion of the smog inspection because  
12 the vehicle's AIS was missing.

13 d. **Section 44059:** Respondent Sardarian willfully entered false information  
14 for electronic Certificate of Compliance No. NA411218, certifying that the vehicle had been  
15 inspected as required when, in fact, the vehicle could not have passed the visual portion of the  
16 smog inspection because the vehicle's AIS was missing.

### 17 **SEVENTH CAUSE FOR DISCIPLINE**

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

19 20. Respondent Sardarian has subjected his technician license to discipline  
20 under Health and Safety Code section 44072.2, subdivision (c), in that on or about May 2, 2008,  
21 regarding the 1988 Toyota Corolla, he violated sections of the California Code of Regulations,  
22 title 16, as follows:

23 a. **Section 3340.24, subdivision (c):** Respondent Sardarian falsely or  
24 fraudulently issued electronic Certificate of Compliance No. NA411219 for that vehicle, in that  
25 the vehicle could not pass the visual portion of the smog inspection because the vehicle's AIS  
26 was missing.

27 b. **Section 3340.30, subdivision (a):** Respondent Sardarian failed to  
28 inspect and test the vehicle in accordance with Health and Safety Code section 44012.

1 c. **Section 3340.41, subdivision (c):** Respondent Sardarian entered false  
2 information into the Emission Inspection System by entering "pass" for the visual inspection  
3 when, in fact, the vehicle could not have passed the visual portion of the smog inspection  
4 because the vehicle's AIS was missing.

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

7 **EIGHTH CAUSE FOR DISCIPLINE**

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

9 21. Respondent Sardarian has subjected his technician license to discipline  
10 under Health and Safety Code section 44072.2, subdivision (d), in that on or about May 2, 2008,  
11 he committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing  
12 electronic Certificate of Compliance No. NA411219 for the 1988 Toyota Corolla without  
13 performing a bona fide inspection of the emission control devices and systems on the vehicle,  
14 thereby depriving the People of the State of California of the protection afforded by the Motor  
15 Vehicle Inspection Program.

16 **PRIOR CITATIONS**

17 22. To determine the degree of discipline, if any, to be imposed on  
18 Respondents Northridge and Sardarian, Complainant alleges as follows:

19 a. On or about July 19, 2007, the Bureau issued Citation No.  
20 C08-0052 against Respondent Northridge's registration and station licenses for violations of  
21 Health & Safety Code section 44012, subdivision (f) (failure to perform a visual/functional check  
22 of emission control devices according to procedures prescribed by the department), and  
23 California Code of Regulations, title 16, section ("Regulation") 3340.35, subdivision (c) (issuing  
24 a certificate of compliance to a vehicle that was improperly tested), for issuing a certificate of  
25 compliance to a Bureau undercover vehicle with a missing positive crankcase ventilation system.  
26 The Bureau assessed civil penalties totaling \$500 against Respondent Northridge for the  
27 violations. Respondent Northridge complied with this citation on October 4, 2007.

28 b. On or about July 19, 2007, the Bureau issued Citation No. M08-0053

1 against Respondent Sardarian's technician license for violations of Health & Safety Code section  
2 44032, (failure to perform a visual/functional check of emission control devices according to  
3 procedures prescribed by the department), and Regulation 3340.30, subdivision (a) (issuing a  
4 certificate of compliance to a vehicle that was improperly tested), for issuing a certificate of  
5 compliance to a Bureau undercover vehicle with a missing positive crankcase ventilation system.  
6 The Bureau directed Respondent Sardarian to complete an 8-hour training course. Respondent  
7 Sardarian complied with this citation on September 28, 2007.

8 c. On or about October 19, 2007, the Bureau issued Citation No. C08-0391  
9 against Respondent's registration and station licenses for violations of Health & Safety Code  
10 section 44012, subdivision (f) (failure to perform a visual/functional check of emission control  
11 devices according to procedures prescribed by the department), and Regulation 3340.35,  
12 subdivision (c) (issuing a certificate of compliance to a vehicle that was improperly tested), for  
13 issuing a certificate of compliance to a Bureau undercover vehicle with a missing fuel  
14 evaporative canister. The Bureau assessed civil penalties totaling \$1,000 against Respondent  
15 Northridge for the violations. Respondent Northridge appealed this citation on January 14, 2008.  
16 Following an administrative hearing on December 12, 2008, the Bureau adopted the proposed  
17 decision of the administrative law judge that affirmed the citation, and issued its final decision  
18 that became final on February 24, 2009. A true and correct copy of the final decision is attached  
19 hereto as Exhibit A.

20 d. On or about October 19, 2007, the Bureau issued Citation No. M08-0393  
21 against Respondent Sardarian's technician license for violations of Health & Safety Code section  
22 44032, (failure to perform a visual/functional check of emission control devices according to  
23 procedures prescribed by the department), and Regulation 3340.30, subdivision (a) (issuing a  
24 certificate of compliance to a vehicle that was improperly tested), for issuing a certificate of  
25 compliance to a Bureau undercover vehicle with a missing fuel evaporative canister. The Bureau  
26 directed Respondent Sardarian to complete a 16-hour training course. Respondent Sardarian  
27 appealed this citation on January 8, 2008. Following an administrative hearing on December 12,  
28 2008, the Bureau adopted the proposed decision of the administrative law judge that affirmed the

1 citation, and issued its final decision that became final on February 24, 2009. A true and correct  
2 copy of the final decision is attached hereto as Exhibit A.

3 e. On or about February 20, 2008, the Bureau issued Citation No. C08-0687  
4 against Respondent Northridge's registration and station licenses for violations of Health &  
5 Safety Code section 44012, subdivision (f) (failure to perform a visual/functional check of  
6 emission control devices according to procedures prescribed by the department), and Regulation  
7 3340.35, subdivision (c) (issuing a certificate of compliance to a vehicle that was improperly  
8 tested), for issuing a certificate of compliance to a Bureau undercover vehicle with a missing  
9 positive crankcase ventilation system. The Bureau assessed civil penalties totaling \$2,000  
10 against Respondent Northridge for the violations. Respondent Northridge appealed this citation  
11 on May 5, 2008. Following an administrative hearing on December 12, 2008, the Bureau  
12 adopted the proposed decision of the administrative law judge that affirmed the citation, and  
13 issued its final decision that became final on February 24, 2009. A true and correct copy of the  
14 final decision is attached hereto as Exhibit A.

15 f. On or about February 20, 2008, the Bureau issued Citation No. M08-0688  
16 against Respondent Sardarian's technician license for violations of Health & Safety Code section  
17 44032, (failure to perform a visual/functional check of emission control devices according to  
18 procedures prescribed by the department), and Regulation 3340.30, subdivision (a) (issuing a  
19 certificate of compliance to a vehicle that was improperly tested), for issuing a certificate of  
20 compliance to a Bureau undercover vehicle with a missing positive crankcase ventilation system.  
21 The Bureau directed Respondent Sardarian to complete a basic clean air course. Respondent  
22 appealed this citation on May 5, 2008. Following an administrative hearing on December 12,  
23 2008, the Bureau adopted the proposed decision of the administrative law judge that affirmed the  
24 citation, and issued its final decision that became final on February 24, 2009. A true and correct  
25 copy of the final decision is attached hereto as Exhibit A.

26 **OTHER MATTERS**

27 23. Pursuant to Code section 9884.7, subdivision (c), the Director may refuse  
28 to validate or invalidate temporarily or permanently, the registrations for all places of business



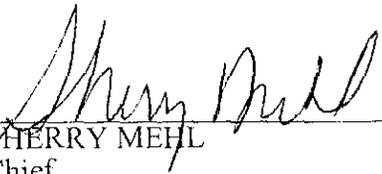
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6. Revoking or suspending any additional license issued under Chapter 5 of the Health and Safety Code in the name of Patrick Sardarian;

7. Ordering Northridge Gas Station, Inc. and Patrick Sardarian to pay the Director of Consumer Affairs the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,

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

DATED: 4/29/09

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

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