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

11 In the Matter of the Accusation Against:
12 **GNAL MGRDECHIAN**
13 **1020 East Acacia Avenue**
14 **Glendale, CA 91205**
15 **Advanced Emission Specialist Technician**
16 **License No. EA 154906**

Respondent.

Case No. 79/10-69
ACCUSATION
SMOG CHECK

17 Complainant alleges:

18 **PARTIES**

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

21 **Advanced Emission Specialist Technician License**

22 2. On a date uncertain in 2008, the Bureau issued Advanced Emission Specialist
23 Technician License Number EA 154906 ("technician license") to Gnal Mgrdechian
24 ("Respondent"). The technician license was in full force and effect at all times relevant to the
25 charges brought herein and will expire on July 31, 2011, unless renewed.

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1 inspection. The vehicle could not pass the visual portion of a smog inspection because the
2 vehicle's fuel evaporative charcoal canister was missing. Respondent performed the smog
3 inspection and despite informing the operator that the vehicle's fuel evaporative charcoal canister
4 was missing, he issued electronic Certificate of Compliance No. WD033712 for that vehicle. The
5 operator paid \$55 for the smog inspection and received a copy of Invoice No. 001309 and the
6 Vehicle Inspection Report ("VIR").

7 **FIRST CAUSE FOR DISCIPLINE**

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

9 9. Respondent has subjected his technician license to discipline under Health and Safety
10 Code section 44072.2, subdivision (a), in that on or about August 25, 2009, regarding the 1999
11 Suzuki Grand Vitara, he violated sections of that Code, as follows:

12 a. **Section 44032:** Respondent failed to perform tests of the emission control devices
13 and systems on that vehicle in accordance with section 44012 of that Code, in that the vehicle's
14 fuel evaporative charcoal canister was missing.

15 b. **Section 44059:** Respondent willfully made false entries for electronic Certificate of
16 Compliance No. WD033712, certifying that the vehicle was in compliance with all applicable
17 laws and regulations when, in fact, the vehicle should not have passed the visual portion of the
18 smog inspection because the vehicle's fuel evaporative charcoal canister was missing.

19 **SECOND CAUSE FOR DISCIPLINE**

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

21 10. Respondent has subjected his technician license to discipline under Health and Safety
22 Code section 44072.2, subdivision (c), in that on or about August 25, 2009, regarding the 1999
23 Suzuki Grand Vitara, he violated sections of the California Code of Regulations, title 16, as
24 follows:

25 a. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently issued
26 electronic Certificate of Compliance No. WD033712 even though he knew the fuel evaporative
27 charcoal canister was missing from the vehicle.

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1 Respondent was required to attend an 8-hour training course. Respondent complied with this
2 citation on September 20, 2008.

3 b. On October 3, 2008, the Bureau issued Citation No. M09-0307 to Respondent against
4 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 missing pulse
10 air injection system. Respondent was required to attend a 16-hour training course. Respondent
11 complied with this citation on February 3, 2009.

12 c. On January 2, 2009, the Bureau issued Citation No. M09-0783 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
19 evaporative charcoal cannister. Respondent was required to attend a 68-hour clean air car course.
20 Respondent complied with this citation on April 7, 2009.

21 **OTHER MATTERS**

22 13. Under Health and Safety Code section 44072.8, if Advanced Emission Specialist
23 Technician License Number EA 154906, issued to Gnal Mgrdechian, is revoked or suspended,
24 any additional license issued under this chapter in the name of said licensee may be likewise
25 revoked or suspended by the director.

26 **PRAYER**

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

- 1 1. Revoking or suspending Advanced Emission Specialist Technician License Number
- 2 EA 154906, issued to Gnal Mgrdechian;
- 3 2. Revoking or suspending any additional license issued under Chapter 5 of the Health
- 4 and Safety Code in the name of Gnal Mgrdechian;
- 5 3. Ordering Gnal Mgrdechian 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 4. Taking such other and further action as deemed necessary and proper.

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DATED: 4/21/10



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

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