

1 KAMALA D. HARRIS
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 TERRENCE M. MASON
Deputy Attorney General
4 State Bar No. 158935
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-6294
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

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. **79/15-8**

13 **SALMAN SAEED,**
20714 Osage Avenue, #20,
Torrance, CA 90503

A C C U S A T I O N

14 **Advanced Emission Specialist Technician License**
15 **No. EA 155226** (to be redesignated upon renewal as
EO 155226 and/or EI 155226),

(SMOG CHECK)

Respondent

16
17
18 Complainant alleges:

19 **PARTIES**

20 1. Patrick Dorais ("Complainant") brings this Accusation solely in his official capacity
21 as the Chief of the Bureau of Automotive Repair ("Bureau"), Department of Consumer Affairs.

22 **Advanced Emission Specialist Technician License**

23 2. In or about 2008, the Bureau of Automotive Repair issued Advanced Emission
24 Specialist Technician License Number EA 155226 to Salman Saeed (Respondent Saeed or
25 Respondent"). The Advanced Emission Specialist Technician License expired on July 31, 2013,
26 and has not been renewed. Upon timely renewal of the license, the license will be redesignated as

1 EO 155226 and/or EI 155226.¹

2 **JURISDICTION AND STATUTORY PROVISIONS**

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

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

10 5. Section 44045.6 of the Health and Safety Code states, in pertinent part:

11 “(c) The department may require remedial training at a certified training facility or may
12 take disciplinary action, whichever the department determines to be the most appropriate, for any
13 licensed technician who the department determines cannot perform inspections, testing, or repairs
14 as required under the program. The failure to complete the remedial training when required by the
15 department shall be a ground for revocation or suspension of a smog check technician's license
16 under Section 44072.2.”

17 6. Section 44050 of the Health and Safety Code states, in pertinent part:

18 “(a) In addition to or in lieu of any other remedy or penalty, including,
19 but not limited to, education, training, or an office conference, the department may
20 issue a citation to a licensee, contractor, or fleet owner for a violation of the
21 requirements of this chapter or a regulation adopted pursuant to this chapter. The
22 citation may contain an order of abatement or the assessment of an administrative
23 fine, or both.

24 “(e) Failure to comply with an order of abatement or payment of an
25 administrative fine issued by the department pursuant to this section is grounds for
26 suspension or revocation of the license, or placing the license on probation.”

27 7. Section 44055 of the Health and Safety Code, subdivision (b) states, in pertinent part:

28 “(b) The department may deny an application for the renewal of a test

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

1 station or repair station license if the applicant, or any partner, officer, or director
2 thereof, has failed to pay any civil penalty or administrative fine in accordance with
3 this article.”

4 8. Section 44072.8 of the Health and Safety Code states, in pertinent part:

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

8 9. California Code of Regulations, title 16, section 3340.28, subdivision (e), states:

9 “Upon renewal of an unexpired Basic Area Technician license or an
10 Advanced Emission Specialist Technician license issued prior to the effective date of
11 this regulation, the licensee may apply to renew as a Smog Check Inspector, Smog
12 Check Repair Technician, or both.”

13 REGULATORY PROVISION

14 10. California Code of Regulations (“CCR”), title 16, section 3320.24 subsection (d)
15 states:

16 (d) The bureau may suspend or revoke the license of or pursue other legal action against a
17 licensee that fails to complete retraining when required by the department, pursuant to section
18 44045.6 of the Health and Safety Code.

19 11. CCR, title 16, section 3340.30, subdivision (a), states that a licensed smog technician
20 shall at all times “[i]nspect, test and repair vehicles, as applicable, in accordance with section
21 44012 of the Health and Safety Code, section 44035 of the Health and Safety Code, and section
22 3340.42 of this article.”

23 COST RECOVERY

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

28 FIRST CAUSE FOR DISCIPLINE

(Failure to Comply With Citations)

13 Respondent Saeed has subjected his advanced emission specialist technician license
14 to discipline pursuant to Health and Safety Code sections 44050, subdivision (e), and 44045.6,

1 and California Code of Regulations (“CCR”), title 16, section 3320.24 subsection (d) in that on or
2 about March 11, 2013, the Bureau re-issued Citation No. M2013-0320² to Respondent Saeed
3 against his Advanced Emissions Specialist Technician license for violation of Health and Safety
4 Code section 44032, (qualified technicians shall perform tests of emission control systems and
5 devices in accordance with section 44012 of the Health and Safety Code). The Bureau ordered
6 Respondent Saeed to pay a fine of \$1,000 and to attend a 68 hour BAR certified training course
7 with proof of completion submitted to the Bureau within 90 days of the date of service of the
8 Citation. Respondent Saeed timely appealed the citation, but on or about July 26, 2013, he
9 withdrew his appeal and request for a hearing.

10 Further, on or about August 20, 2013, the Bureau issued Citation No. M2014-0114 to
11 Respondent Saeed against his Advanced Emissions Specialist Technician license for violation of
12 Health and Safety Code section 44032, (qualified technicians shall perform tests of emission
13 control systems and devices in accordance with section 44012 of the Health and Safety Code).
14 The Bureau ordered Respondent Saeed to pay a fine of \$1,500 and to attend a 68 hour BAR
15 certified training course with proof of completion submitted to the Bureau within 60 days of the
16 date of the Citation Service Conference. Respondent did not appeal Citation No. M2014-0114.

17 To date, Respondent Saeed has failed to pay either of the fines and has failed to submit to
18 the Bureau proof of completion of the 68 hour training course required by each citation.

19 OTHER MATTERS

20 14. Pursuant to Health & Saf. Code section 44072.8, if Respondent Saeed’s Advanced
21 Emission Specialist Technician License, currently designated as EA 155226 (to be redesignated
22 upon timely renewal as EO 155226 and/or EI 155226), is revoked or suspended, any additional
23 license issued under this chapter in the name of said licensee may be likewise revoked or
24 suspended by the director.

25 ///

26 ///

27 ² Original citation No. M2013-0320 was issued to Respondent on November 15, 2012. It was re-issued on
28 March 11, 2013 because of a typographical error regarding Respondent’s name on the original citation.

PRAYER

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

1. Revoking or suspending Salman Saeed's Advanced Emission Specialist Technician License, currently designated as EA 155226 (to be redesignated upon timely renewal as EO 155226 and/or EI 155226);

2. Revoking or suspending any additional license issued under Chapter 5 of the Health and Safety Code in the name of Salman Saeed;

3. Ordering Salman Saeed 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,

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

DATED: 7-21-14

Patrick Dorais by Doug Balata
PATRICK DORAIS
Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant
Doug Balata,
Assist. Chief