

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

In the Matter of the Accusation Against:

UNISMOG

12134 Washington Boulevard
Culver City, CA 90066

Mailing Address:

P.O. Box 66361
Los Angeles, CA 90066

DON B. SHARMA, OWNER

Automotive Repair Dealer Registration No.

ARD 252138

Smog Check, Test Only, Station License No.
TC 252138,

and

DON B. SHARMA

P.O. Box 66361
Los Angeles, CA 90066

Advanced Emission Specialist Technician
License No. EA 630248

Respondent.

Case No. 79/12-81

OAH No. L-2012090720

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 3/19/13.

DATED: FEB 20 2013


DONALD CHANG
Assistant Chief Counsel
Department of Consumer Affairs

1 KAMALA D. HARRIS
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 HEATHER HUA
Deputy Attorney General
4 State Bar No. 223418
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2574
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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:

13 **UNISMOG**
12134 Washington Boulevard
14 Culver City, CA 90066
Mailing Address:
15 P.O. Box 66361
Los Angeles, CA 90066
16 **DON B. SHARMA, OWNER**
Automotive Repair Dealer Registration No.
17 **ARD 252138**
Smog Check, Test Only, Station License No.
18 **TC 252138,**

19 and

20 **DON B. SHARMA**
P.O. Box 66361
21 Los Angeles, CA 90066
Advanced Emission Specialist Technician
22 License No. EA 630248

23 Respondent.

Case No. 79/12-81

OAH No. L-2012090720

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

24
25 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
26 entitled proceedings that the following matters are true:
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1 **PARTIES**

2 1. John Wallauch (Complainant) is the Chief of the Bureau of Automotive Repair. He
3 brought this action solely in his official capacity and is represented in this matter by Kamala D.
4 Harris, Attorney General of the State of California, by Heather Hua, Deputy Attorney General.

5 2. Respondent Don B. Sharma (Respondent) is represented in this proceeding by
6 attorney Michael Levin, whose address is: 3727 Camino del Rio South, Ste. 200, San Diego, CA
7 92108.

8 **Automotive Repair Dealer Registration**

9 3. On a date uncertain in 2007, the Bureau issued Automotive Repair Dealer
10 Registration Number ARD 252138 ("registration") to Don B. Sharma ("Respondent"), doing
11 business as Unismog. The registration was in full force and effect at all times relevant to the
12 charges brought herein and will expire on September 30, 2013, unless renewed.

13 **Smog Check Test Only Station License**

14 4. On or about October 4, 2007, the Bureau issued Smog Check, Test Only, Station
15 License Number TC 252138 ("station license") to Respondent. The station license was in full
16 force and effect at all times relevant to the charges brought herein and will expire on September
17 30, 2013, unless renewed.

18 **Advanced Emission Specialist Technician License**

19 5. On or about June 6, 2008, the Bureau issued Advanced Emission Specialist
20 Technician License Number EA 630248 ("technician license") to Respondent. The technician
21 license was in full force and effect at all times relevant to the charges brought herein and will
22 expire on November 30, 2014, unless renewed.

23 **JURISDICTION**

24 6. Accusation No. 79/12-81 was filed before the Director of Consumer Affairs
25 (Director), for the Bureau of Automotive Repair (Bureau), and is currently pending against
26 Respondent. The Accusation and all other statutorily required documents were properly served
27 on Respondent on March 22, 2012. Respondent timely filed his Notice of Defense contesting the
28 Accusation.

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

6 14. The parties understand and agree that facsimile copies of this Stipulated Settlement
7 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and
8 effect as the originals.

9 15. 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 16. 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 252138;
20 Smog Check, Test Only, Station License No. TC 252138, and Advanced Emission Specialist
21 Technician License No. EA 630248 issued to Respondents Unismog and Don B. Sharma are
22 revoked. However, the revocation is stayed and Respondents are placed on probation for three
23 (3) years on the following terms and conditions.

24 1. **Actual Suspension.** Automotive Repair Dealer Registration No. ARD 252138;
25 Smog Check, Test Only, Station License No. TC 252138, and Advanced Emission Specialist
26 Technician License No. EA 630248 issued to Respondents Unismog and Don B. Sharma are
27 suspended for fifteen (15) consecutive days to begin on the effective date of the Decision and
28 Order.

1 2. **Obey All Laws.** Comply with all statutes, regulations and rules governing
2 automotive inspections, estimates and repairs.

3 3. **Post Sign.** Post a prominent sign, provided by the Bureau, indicating the beginning
4 and ending dates of the suspension and indicating the reason for the suspension. The sign shall be
5 conspicuously displayed in a location open to and frequented by customers and shall remain
6 posted during the entire period of actual suspension.

7 4. **Reporting.** Respondent or Respondent's authorized representative must report in
8 person or in writing as prescribed by the Bureau of Automotive Repair, on a schedule set by the
9 Bureau, but no more frequently than each quarter, on the methods used and success achieved in
10 maintaining compliance with the terms and conditions of probation.

11 5. **Report Financial Interest.** Within 30 days of the effective date of this action, report
12 any financial interest which any partners, officers, or owners of the Respondent facility may have
13 in any other business required to be registered pursuant to Section 9884.6 of the Business and
14 Professions Code.

15 6. **Random Inspections.** Provide Bureau representatives unrestricted access to inspect
16 all vehicles (including parts) undergoing repairs, up to and including the point of completion.

17 7. **Jurisdiction.** If an accusation is filed against Respondent during the term of
18 probation, the Director of Consumer Affairs shall have continuing jurisdiction over this matter
19 until the final decision on the accusation, and the period of probation shall be extended until such
20 decision.

21 8. **Violation of Probation.** Should the Director of Consumer Affairs determine that
22 Respondent has failed to comply with the terms and conditions of probation, the Department may,
23 after giving notice and opportunity to be heard suspend or revoke the license.

24 9. **False and Misleading Advertising.** If the accusation involves false and misleading
25 advertising, during the period of probation, Respondent shall submit any proposed advertising
26 copy, whether revised or new, to the Bureau at least thirty (30) days prior to its use.

27 10. **Continuing Education Course.** During the period of probation, Respondent shall
28 complete a Bureau Certified Inspector Training Course (Level 1). Said course shall be completed

1 and proof of completion submitted to the Bureau within 180 days of the effective date of this
2 decision and order.

3 11. **Restrictions.** During the period of probation, Respondent shall not perform any form
4 of smog inspection, or emission system diagnosis or repair, until Respondent has purchased,
5 installed, and maintained the diagnostic and repair equipment prescribed by BAR necessary to
6 properly perform such work, and BAR has been given 10 days notice of the availability of the
7 equipment for inspection by a BAR representative.

8 12. **Cost Recovery.** Payment to the Bureau in the amount of four thousand seven
9 hundred eight-nine dollars (\$4,789.00) of cost recovery shall be payable in twenty four (24) equal
10 installments and shall be received no later than twelve (12) months before probation terminates.
11 Failure to complete payment of cost recovery within this time frame shall constitute a violation of
12 probation which may subject Respondent's license and registration to outright revocation;
13 however, the Director or the Director's Bureau of Automotive Repair designee may elect to
14 continue probation until such time as reimbursement of the entire cost recovery amount has been
15 made to the Bureau.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Michael Levin, Esq. I understand the stipulation and the effect it will have on my Automotive Repair Dealer Registration No. ARD 252138; Smog Check, Test Only, Station License No. TC 252138, and Advanced Emission Specialist Technician License No. EA 63024. 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: _____

signature page attached

UNISMOG; Don B. Sharma, Owner
Respondent

DATED: _____

DON B. SHARMA
Respondent

I have read and fully discussed with Respondent Don B. Sharma the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: _____

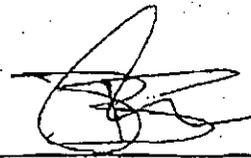
MICHAEL LEVIN, Esq.
Attorney for Respondent

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Michael Levin, Esq. I understand the stipulation and the effect it will have on my Automotive Repair Dealer Registration No. ARD 252138; Smog Check, Test Only, Station License No. TC 252138, and Advanced Emission Specialist Technician License No. EA 63024. 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: 12/29/12



UNISMOG; Don B. Sharma, Owner
Respondent

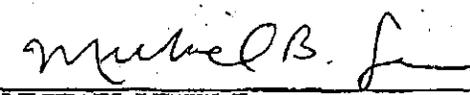
DATED: 12/29/12



DON B. SHARMA
Respondent

I have read and fully discussed with Respondent Don B. Sharma the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 1/2/13



MICHAEL LEVIN, Esq.
Attorney for Respondent

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ENDORSEMENT

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

Dated: *January 3, 2013*

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General


HEATHER HUA
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 79/12-81

1 KAMALA D. HARRIS
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 HEATHER HUA
Deputy Attorney General
4 State Bar No. 223418
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
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6 Facsimile: (213) 897-2804
Attorneys for Complainant
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14 **Mailing Address:**
P.O. Box 66361
Los Angeles, CA 90066
15 **DON B. SHARMA, OWNER**
Automotive Repair Dealer Registration No.
16 **ARD 252138**
Smog Check, Test Only, Station License No.
17 **TC 252138,**

A C C U S A T I O N

S M O G C H E C K

18 **and**

19 **DON B. SHARMA**
20 **P.O. Box 66361**
Los Angeles, CA 90066
21 **Advanced Emission Specialist Technician**
License No. EA 630248

22 Respondent.

24 Complainant alleges:

25 **PARTIES**

26 1. Doug Baiatti ("Complainant") brings this Accusation solely in his official capacity as
27 the Assistant Chief of the Bureau of Automotive Repair ("Bureau"), Department of Consumer
28 Affairs.

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

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

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

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

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

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

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

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

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

28 10. Section 44072.6 of the Health and 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.

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1 11. Section 44072.8 of the Health and Safety Code states:

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

4 **COST RECOVERY**

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

9 **UNDERCOVER OPERATION – JULY 13, 2011**

10 13. On or about July 13, 2011, a Bureau undercover operator drove a Bureau-documented
11 1992 Toyota Corolla to Respondent's facility and requested a smog inspection. The vehicle could
12 not pass a smog inspection because the vehicle's ignition timing was adjusted beyond the
13 manufacturer's specification. The operator signed a work order but was not provided with an
14 estimate prior to the smog inspection. Respondent performed the smog inspection and issued
15 electronic Certificate of Compliance No. WX123512C for that vehicle. The operator paid \$50 for
16 the smog inspection and received a copy of an invoice dated July 13, 2011.

17 **FIRST CAUSE FOR DISCIPLINE**

18 **(Misleading Statements)**

19 14. Respondent has subjected his registration to discipline under Code section 9884.7,
20 subdivision (a)(1), in that on or about July 13, 2011, he made statements which he knew or which
21 by exercise of reasonable care he should have known were untrue or misleading when he issued
22 electronic Certificate of Compliance No. WX123512C for the 1992 Toyota Corolla, certifying
23 that the vehicle was in compliance with applicable laws and regulations when, in fact, the
24 vehicle's ignition timing was adjusted beyond the manufacturer's specifications.

25 **SECOND CAUSE FOR DISCIPLINE**

26 **(Fraud)**

27 15. Respondent has subjected his registration to discipline under Code section 9884.7,
28 subdivision (a)(4), in that on or about July 13, 2011, he committed acts which constitute fraud by

1 issuing electronic Certificate of Compliance No. WX123512C for the 1992 Toyota Corolla
2 without performing a bona fide inspection of the emission control devices and systems on that
3 vehicle, thereby depriving the People of the State of California of the protection afforded by the
4 Motor Vehicle Inspection Program.

5 **THIRD CAUSE FOR DISCIPLINE**

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

7 16. Respondent has subjected his station license to discipline under Health and Safety
8 Code section 44072.2, subdivision (a), in that on or about July 13, 2011, regarding the 1992
9 Toyota Corolla, he violated sections of that Code, as follows:

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

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

15 c. **Section 44015, subdivision (b):** Respondent issued electronic Certificate of
16 Compliance No. WX123512C without properly testing and inspecting the vehicle to determine if
17 it was in compliance with section 44012 of that Code.

18 **FOURTH CAUSE FOR DISCIPLINE**

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

20 17. Respondent has subjected his station license to discipline under Health and Safety
21 Code section 44072.2, subdivision (c), in that on or about July 13, 2011, regarding the 1992
22 Toyota Corolla, he violated sections of the California Code of Regulations, title 16, as follows:

23 a. **Section 3340.35, subdivision (c):** Respondent issued electronic Certificate of
24 Compliance No. WX123512C even though that vehicle had not been inspected in accordance
25 with section 3340.42 of that Code.

26 b. **Section 3340.42:** Respondent failed to conduct the required smog tests and
27 inspections on that vehicle in accordance with the Bureau's specifications.

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1 **FIFTH CAUSE FOR DISCIPLINE**

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

3 18. Respondent subjected his station license to discipline under Health and Safety Code
4 section 44072.2, subdivision (d), in that on or about July 13, 2011, regarding the 1992 Toyota
5 Corolla, he committed acts involving dishonesty, fraud or deceit whereby another was injured by
6 issuing electronic Certificate of Compliance No. WX123512C for that vehicle without
7 performing a bona fide inspection of the emission control devices and systems on the vehicle,
8 thereby depriving the People of the State of California of the protection afforded by the Motor
9 Vehicle Inspection Program.

10 **SIXTH CAUSE FOR DISCIPLINE**

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

12 19. Respondent has subjected his technician license to discipline under Health and Safety
13 Code section 44072.2, subdivision (a), in that on or about July 13, 2011, regarding the 1992
14 Toyota Corolla, he violated sections of that Code, as follows:

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

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

20 c. **Section 44032:** Respondent failed to perform tests of the emission control devices
21 and systems on that vehicle in accordance with section 44012 of that Code, in that the vehicle
22 could not pass the functional portion of the inspection because the vehicle's ignition timing was
23 adjusted beyond the manufacturer's specifications.

24 **SEVENTH CAUSE FOR DISCIPLINE**

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

26 20. Respondent has subjected his technician license to discipline under Health and Safety
27 Code section 44072.2, subdivision (c), in that on or about July 13, 2011, regarding the 1992
28 Toyota Corolla, he violated sections of the California Code of Regulations, title 16, as follows:

1 a. **Section 3340.30, subdivision (a):** Respondent failed to inspect and test that vehicle
2 in accordance with Health and Safety Code section 44012.

3 b. **Section 3340.41, subdivision (c):** Respondent entered false information into the
4 Emission Inspection System for electronic Certificate of Compliance No. WX123512C by
5 entering "Pass" for the functional portion of the smog inspection when, in fact, the vehicle could
6 not pass the functional inspection because the vehicle's ignition timing was adjusted beyond the
7 manufacturer's specifications.

8 c. **Section 3340.42:** Respondent failed to conduct the required smog tests and
9 inspections on that vehicle in accordance with the Bureau's specifications.

10 **EIGHTH CAUSE FOR DISCIPLINE**

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

12 21. Respondent has subjected his technician license to discipline under Health and Safety
13 Code section 44072.2, subdivision (d), in that on or about July 13, 2011, regarding the 1992
14 Toyota Corolla, he committed acts involving dishonesty, fraud or deceit whereby another was
15 injured by issuing electronic Certificate of Compliance No. WX123512C without performing a
16 bona fide inspection of the emission control devices and systems on that vehicle, thereby
17 depriving the People of the State of California of the protection afforded by the Motor Vehicle
18 Inspection Program.

19 **PRIOR CITATIONS**

20 22. To determine the degree of penalty, if any, to be imposed upon Respondent,
21 Complainant alleges as follows:

22 a. On November 28, 2007, the Bureau issued Citation No. C08-0520 to Respondent
23 against his registration and station licenses for violations of Health and Safety Code section
24 44012, subdivision (f) (failure to perform a visual/functional check of emission control devices)
25 and California Code of Regulations, title 16, ("Regulation"), section 3340.35, subdivision (c)
26 (issuing a certificate of compliance to a vehicle improperly tested). Respondent issued a
27 certificate of compliance to a Bureau vehicle with a missing evaporative fuel canister. The

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1 Bureau assessed a civil penalty of \$500. Respondent complied with this citation on December 26,
2 2007.

3 b. On December 29, 2008, the Bureau issued Citation No. C09-0747 to Respondent
4 against his registration and station licenses for violations of Health and Safety Code section
5 44012, subdivision (f) (failure to perform a visual/functional check of emission control devices)
6 and Regulation, section 3340.35, subdivision (c) (issuing a certificate of compliance to a vehicle
7 improperly tested). Respondent issued a certificate of compliance to a Bureau vehicle with a
8 missing AIR system. The Bureau assessed a civil penalty of \$500. Respondent complied with
9 this citation on February 9, 2009.

10 c. On October 5, 2010, the Bureau issued Citation No. C2011-0396 to Respondent
11 against his registration and station licenses for violations of Health and Safety Code section
12 44012, subdivision (f) (failure to perform a visual/functional check of emission control devices)
13 and Regulation, section 3340.35, subdivision (c) (issuing a certificate of compliance to a vehicle
14 improperly tested). Respondent issued a certificate of compliance to a Bureau vehicle with a
15 missing evaporative control charcoal canister. The Bureau assessed a civil penalty of \$2,500.
16 Respondent appealed this citation on November 8, 2010. The decision became effective on
17 December 17, 2011, and Respondent paid the citation on January 17, 2012.

18 d. On April 14, 2011, the Bureau issued Citation No. C2011-1194 to Respondent against
19 his registration and station licenses for violations of Health and Safety Code section 44012,
20 subdivision (f) (failure to perform a visual/functional check of emission control devices) and
21 Regulation, section 3340.35, subdivision (c) (issuing a certificate of compliance to a vehicle
22 improperly tested). Respondent issued a certificate of compliance to a Bureau vehicle with a
23 missing PCV system. The Bureau assessed a civil penalty of \$1,500. Respondent appealed this
24 citation on June 23, 2011. The decision became effective on December 17, 2011, and Respondent
25 paid the citation on January 17, 2012.

26 e. On April 14, 2011, the Bureau issued Citation No. M2011-1195 to Respondent
27 against his technician license for violations of Health and Safety Code section 44032, (qualified
28 technicians shall perform tests of emission control systems and devices in accordance with

1 section 44012 of that Code) and California Code of Regulations, title 16, ("Regulation") section
2 3340.30, subdivision (a) (qualified technicians shall inspect, test, and repair vehicles in
3 accordance with sections 44012 and 44035 of the Health and Safety Code, and Regulation section
4 3340.42). Respondent issued a certificate of compliance to a Bureau vehicle with a missing PCV
5 system. Respondent appealed this citation on June 23, 2011. The decision became effective on
6 December 17, 2011. As of February 9, 2012, Respondent had not completed training.

7 **OTHER MATTERS**

8 23. Under Code section 9884.7, subdivision (c), the director may invalidate temporarily
9 or permanently or refuse to validate, the registrations for all places of business operated in this
10 state by Don B. Sharma, upon a finding that he has, or is, engaged in a course of repeated and
11 willful violations of the laws and regulations pertaining to an automotive repair dealer.

12 24. Under Health and Safety Code section 44072.8, if Smog Check Test Only Station
13 License Number TC 252138, issued to Don B. Sharma, doing business as Unismog, is revoked or
14 suspended, any additional license issued under this chapter in the name of said licensee including,
15 but not limited to Advanced Emission Specialist Technician License Number EA 630248, may be
16 likewise revoked or suspended by the director.

17 **PRAYER**

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

20 1. Revoking, suspending, or placing on probation Automotive Repair Dealer
21 Registration Number ARD 252138, issued to Don B. Sharma, doing business as Unismog;

22 2. Revoking, suspending, or placing on probation any other automotive repair dealer
23 registration issued in the name Don B. Sharma;

24 3. Revoking or suspending Smog Check, Test Only, Station License Number TC
25 252138, issued to Don B. Sharma, doing business as Unismog;

26 4. Revoking or suspending any additional license issued under Chapter 5 of the Health
27 & Safety Code in the name of Don B. Sharma including, but not limited to Advanced Emission
28 Specialist Technician License Number EA 630248;

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5. Ordering Don B. Sharma 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,

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

DATED:

2/21/12



DOUG BALATTI
Assistant Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant

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