

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

In the Matter of the Accusation Against:

MOHAMMAD BADIUDDIN HAQANI
5685 Sexton Lane
Riverside, CA 92509

Case No. 79/12-133

Advanced Emission Specialist Technician
License No. EA 630629

Respondent.

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 8/13/12

DATED: July 20, 2012



DOREATHEA JOHNSON
Deputy Director, Legal Affairs
Department of Consumer Affairs

1 KAMALA D. HARRIS
 Attorney General of California
 2 Marc D. Greenbaum
 Supervising Deputy Attorney General
 3 GREGORY J. SALUTE
 Supervising Deputy Attorney General
 4 State Bar No. 164015
 300 So. Spring Street, Suite 1702
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7 *Attorneys for Complainant*

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

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 14 Riverside, CA 92509
 Advanced Emission Specialist Technician
 License No. EA 630629
 15
 16 Respondent.

Case No. 79/12-133

**STIPULATED SETTLEMENT AND
 DISCIPLINARY ORDER**

17
 18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
 19 entitled proceedings that the following matters are true:

20 PARTIES

21 1. John Wallauch (Complainant) is the Chief of the Bureau of Automotive Repair. He
 22 brought this action solely in his official capacity and is represented in this matter by Kamala D.
 23 Harris, Attorney General of the State of California, by Gregory J. Salute, Supervising Deputy
 24 Attorney General.

25 2. Respondent Mohammad Badiuddin Haqani (Respondent) is representing himself in
 26 this proceeding and has chosen not to exercise his right to be represented by counsel.
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1 CULPABILITY

2 9. Respondent admits the truth of each and every charge and allegation in Accusation
3 No. 79/12-133.

4 10. Respondent agrees that his Advanced Emission Specialist Technician License is
5 subject to discipline and he agrees to be bound by the Director's imposition of discipline as set
6 forth in the Disciplinary Order below.

7 CIRCUMSTANCES IN MITIGATION

8 11. Respondent Mohammad Badiuddin Haqani has never been the subject of any
9 disciplinary action. He is admitting responsibility at an early stage in the proceedings.

10 CONTINGENCY

11 12. This stipulation shall be subject to approval by the Director of Consumer Affairs or
12 his designee. Respondent understands and agrees that counsel for Complainant and the staff of
13 the Bureau of Automotive Repair may communicate directly with the Director and staff of the
14 Department of Consumer Affairs regarding this stipulation and settlement, without notice to or
15 participation by Respondent. By signing the stipulation, Respondent understands and agrees that
16 he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Director
17 considers and acts upon it. If the Director fails to adopt this stipulation as the Decision and
18 Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for
19 this paragraph, it shall be inadmissible in any legal action between the parties, and the Director
20 shall not be disqualified from further action by having considered this matter.

21 13. The parties understand and agree that facsimile copies of this Stipulated Settlement
22 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and
23 effect as the originals.

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

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

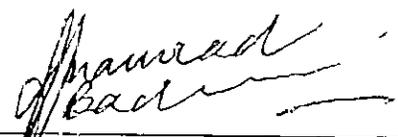
DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Advanced Emission Specialist Technician License No. EA 630629 issued to Respondent Mohammad Badiuddin Haqani is revoked. IT IS HEREBY FURTHER ORDERED that collection of the Bureau's costs of investigation and prosecution in the amount of \$427.50 is hereby waived unless and until Respondent ever reapplies or is reissued any license or registration with the Bureau at which time these costs shall become due and payable.

ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Advanced Emission Specialist Technician License. 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: 06/30/2012



MOHAMMAD BADIUDDIN HAQANI
Respondent

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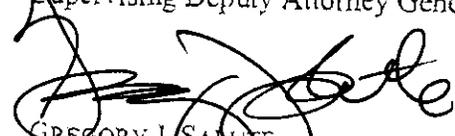
ENDORSEMENT

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

Dated: 7-9-2012

Respectfully submitted,

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



GREGORY J. SALUTE
Supervising Deputy Attorney General
Attorneys for Complainant

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EXHIBIT A

1 KAMALA D. HARRIS
Attorney General of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 GREGORY J. SALUTE
Supervising Deputy Attorney General
4 State Bar No. 164015
300 So. Spring Street, Suite 1702
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Advanced Emission Specialist Technician
14 **License No. EA 630629**

A C C U S A T I O N
S M O G C H E C K

15 Respondent.

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17 Complainant alleges:

18 **PARTIES**

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

21 **Advanced Emission Specialist Technician License**

22 2. On or about November 19, 2008, the Bureau issued Advanced Emission Specialist
23 Technician License Number EA 630629 ("technician license") to Mohammad Badiuddin Haqani
24 ("Respondent"). The technician license was in full force and effect at all times relevant to the
25 charges brought herein. The technician license was suspended on October 5, 2011, and will
26 expire on January 31, 2013, unless renewed.

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1 **CAUSE FOR DISCIPLINE**

2 **(Failure to Complete Training)**

3 9. Respondent has subjected his technician license to discipline pursuant to Health and
4 Safety Code section 44050, subdivision (e), in that on or about June 1, 2011, the Bureau issued
5 Citation No. M2011-1423 to Respondent against his technician license for violations of Health
6 and Safety Code section 44032, (qualified technicians shall perform tests of emission control
7 systems and devices in accordance with section 44012 of that Code) and California Code of
8 Regulations, title 16, ("Regulation") section 3340.30, subdivision (a) (qualified technicians shall
9 inspect, test, and repair vehicles in accordance with sections 44012 and 44035 of the Health and
10 Safety Code, and Regulation section 3340.42). On July 1, 2011, the Bureau served Respondent
11 with the citation, which required Respondent to complete a 16-Hour Training Course. However,
12 Respondent did not appeal the citation within thirty (30) days of service of the citation nor has
13 Respondent completed the required training.

14 **OTHER MATTERS**

15 10. Under Health and Safety Code section 44072.8, if Advanced Emission Specialist
16 Technician License Number EA 630629, issued to Mohammad Badiuddin Haqani, is revoked or
17 suspended, any additional license issued under this chapter in the name of said licensee may be
18 likewise revoked or suspended by the director.

19 **PRAYER**

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

22 1. Revoking or suspending Advanced Emission Specialist Technician License Number
23 EA 630629, issued to Mohammad Badiuddin Haqani;

24 2. Revoking or suspending any additional license issued under Chapter 5 of the Health
25 and Safety Code in the name of Mohammad Badiuddin Haqani;

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3. Ordering Mohammad Badiuddin Haqani 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: 5/3/12

John Wallauch by Doug Balatti
JOHN WALLAUCH
Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant

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