

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

In the Matter of the Accusation Against:

**HAMILTON UNION SERVICE and
HOSSAIN ERFAN KHAZIRI, Owner**
337 E. Hamilton Avenue
Campbell, CA 95008-0206

Automotive Repair Dealer Registration No.
ARD 148777
Smog Check Station License No.
RC 148777

JA MARE DEJHON PERRY
P.O. Box 111146
Campbell, CA 95011-1146

Smog Check Inspector License No. EO
631117
Smog Check Repair Technician License EI
631117, (formerly Advanced Emission
Specialist Technician License No. EA 631117)

Respondents.

Case No. 79/15-1

DECISION

The attached Stipulated Revocation of License and Order as to Ja Mare Dejhon Perry, Only is hereby accepted and adopted as the Decision of the Director of the Department of Consumer Affairs in the above-entitled matter, only as to respondent on as to respondent Ja Mare Dejhon Perry, Smog Check Inspector License No. EO 631117 and Smog Check Repair Technician License EI 631117 (formerly Advanced Emission Specialist Technician License No. EA 631117).

This Decision shall become effective

July 14, 2015

DATED:

June 25, 2015



TAMARA COLSON
Assistant General Counsel
Department of Consumer Affairs

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 SHANA A. BAGLEY
Deputy Attorney General
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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**

12 In the Matter of the Accusation Against:

Case No. 79/15-1

13 **HAMILTON UNION SERVICE and**
14 **HOSSAIN ERFAN KHAZIRI, Owner**
337 E. Hamilton Avenue
Campbell, CA 95008-0206

STIPULATED REVOCATION OF
LICENSE AND ORDER AS TO JA MARE
DEJHON PERRY, ONLY

15 **Automotive Repair Dealer Registration No.**
16 **ARD 148777**
Smog Check Station License No. RC 148777

17 **JA MARE DEJHON PERRY**
18 **P.O. Box 111146**
Campbell, CA 95011-1146

19 **Smog Check Inspector License No. EO**
20 **631117**
21 **Smog Check Repair Technician License EI**
22 **631117,**
(formerly Advanced Emission Specialist
Technician License No. EA 631117)

23 Respondents.

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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28 ///

1 **PARTIES**

2 1. Patrick Dorais (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 Shana A. Bagley, Deputy Attorney
5 General.

6 2. Respondent Ja Mare Dejhon Perry is representing himself in this proceeding and has
7 chosen not to exercise his right to be represented by counsel.

8 3. On or about June 22, 2009, the Director issued Advanced Emission Specialist
9 Technician License Number EA 631117 to Ja Mare Dejhon Perry (Respondent Perry).
10 Respondent Perry's advanced emission specialist technician license was due to expire on August
11 31, 2013. Pursuant to California Code of Regulations, title 16, section 3340.28, subdivision (e),
12 said license was renewed, pursuant to Respondent Perry's election, as Smog Check Inspector
13 License No. EO 631117, and Smog Check Repair Technician License No. EI 631117, effective
14 August 6, 2013.¹ Respondent's smog check inspector license and smog check repair technician
15 license will expire on August 31, 2015, unless renewed.

16 **JURISDICTION**

17 4. Accusation No. 79/15-1 was filed before the Director of Consumer Affairs (Director),
18 for the Bureau of Automotive Repair (Bureau), and is currently pending against Respondent. The
19 Accusation and all other statutorily required documents were properly served on Respondent on
20 August 4, 2014. Respondent timely filed his Notice of Defense contesting the Accusation. A
21 copy of Accusation No. 79/15-1 is attached as exhibit "A" and incorporated by reference.

22 **ADVISEMENT AND WAIVERS**

23 5. Respondent has carefully read, and understands the charges and allegations in
24 Accusation No. 79/15-1. Respondent also has carefully read, and understands the effects of this
25 Stipulated Revocation of License and Order.

26
27 ¹ Effective August 1, 2012, California Code of Regulations, title 16, sections 3340.28,
28 3340.29, and 3340.30 were amended to implement a license restructure from the Advanced
Emission Specialist Technician (EA) license and Basic Area (EB) Technician license to Smog
Check Inspector (EO) license and/or Smog Check Repair Technician (EI) license.

1 filed, and all of the charges and allegations contained in Accusation No. 79/15-1 shall be deemed
2 to be true, correct and admitted by Respondent when the Director determines whether to grant or
3 deny the application or petition.

4 5. Respondent shall pay the agency \$4,000.00 for its costs of investigation and
5 enforcement prior to issuance of a new or reinstated license.

6 **ACCEPTANCE**

7 I have carefully read the Stipulated Revocation of License and Order. I understand the
8 stipulation and the effect it will have on my Automotive Repair Dealer Registration, and Smog
9 Check Station License. I enter into this Stipulated Revocation of License and Order voluntarily,
10 knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of
11 Consumer Affairs.

12
13 DATED: _____

14 JA MARE DEJHON PERRY
15 Respondent

16 **ENDORSEMENT**

17 The foregoing Stipulated Revocation of License and Order is hereby respectfully submitted
18 for consideration by the Director of Consumer Affairs.

19 Dated: 7 NOV 2014

Respectfully submitted,

20 KAMALA D. HARRIS
21 Attorney General of California
22 DIANN SOKOLOFF
23 Supervising Deputy Attorney General

24 SHANA A. BAGLEY
25 Deputy Attorney General
26 *Attorneys for Complainant*

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1 filed, and all of the charges and allegations contained in Accusation No. 79/15-1 shall be deemed
2 to be true, correct and admitted by Respondent when the Director determines whether to grant or
3 deny the application or petition.

4 5. Respondent shall pay the agency \$5,403.90 for its costs of investigation and
5 enforcement prior to issuance of a new or reinstated license.

6 **ACCEPTANCE**

7 I have carefully read the Stipulated Revocation of License and Order. I understand the
8 stipulation and the effect it will have on my Automotive Repair Dealer Registration, and Smog
9 Check Station License. I enter into this Stipulated Revocation of License and Order voluntarily,
10 knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of
11 Consumer Affairs.

12
13 DATED: 11/21/2014


14 JA MARE DEJHON PERRY
15 Respondent

16 **ENDORSEMENT**

17 The foregoing Stipulated Revocation of License and Order is hereby respectfully submitted
18 for consideration by the Director of Consumer Affairs.

19 Dated:

Respectfully submitted,

20 KAMALA D. HARRIS
21 Attorney General of California
22 DIANN SOKOLOFF
23 Supervising Deputy Attorney General

24 SHANA A. BAGLEY
25 Deputy Attorney General
26 *Attorneys for Complainant*

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28

Exhibit A

Accusation No. 79/15-1

1 KAMALA D. HARRIS
Attorney General of California
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Supervising Deputy Attorney General
3 SHANA A. BAGLEY
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10 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**
11 **STATE OF CALIFORNIA**

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19 **Smog Check Inspector License No. EO**
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Smog Check Repair Technician License EI
21 **631117,**
22 **(formerly Advanced Emission Specialist**
Technician License No. EA 631117)

23 Respondents.

Case No. 79/15-1

ACCUSATION

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26 ///
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1 Complainant alleges:

2 PARTIES

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

5 **Respondent Hamilton**

6 2. On or about August 16, 1989, the Bureau of Automotive Repair issued Automotive
7 Repair Dealer Registration Number ARD 148777 to Hamilton Union Service and Hossain Erfan
8 Khaziri, Owner (Respondent Hamilton). The Automotive Repair Dealer Registration was in full
9 force and effect at all times relevant to the charges brought in this Accusation and will expire on
10 August 31, 2014, unless renewed.

11 3. On or about September 12, 1989, the Bureau of Automotive Repair issued Smog
12 Check Station License Number RC 148777 to Respondent Hamilton. The Smog Check Station
13 License was in full force and effect at all times relevant to the charges brought in this Accusation
14 and will expire on August 31, 2014, unless renewed.

15 **Respondent Perry**

16 4. On or about June 22, 2009, the Director issued Advanced Emission Specialist
17 Technician License Number EA 631117 to Ja Mare Dejhon Perry (Respondent Perry).
18 Respondent Perry's advanced emission specialist technician license was due to expire on August
19 31, 2013. Pursuant to California Code of Regulations, title 16, section 3340.28, subdivision (e),
20 said license was renewed, pursuant to Respondent Perry's election, as Smog Check Inspector
21 License No. EO 631117, and Smog Check Repair Technician License No. EI 631117, effective
22 August 6, 2013.¹ Respondent's smog check inspector license and smog check repair technician
23 license will expire on August 31, 2015, unless renewed.

24
25 ///

26 ¹ Effective August 1, 2012, California Code of Regulations, title 16, sections 3340.28,
27 3340.29, and 3340.30 were amended to implement a license restructure from the Advanced
28 Emission Specialist Technician (EA) license and Basic Area (EB) Technician license to Smog
Check Inspector (EO) license and/or Smog Check Repair Technician (EI) license.

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JURISDICTION

5. The Director of Consumer Affairs (Director) for the Bureau of Automotive Repair, brings this Accusation under the authority of the following laws. All sections references are to the Business and Professions Code (Code) unless otherwise indicated.

6. Code section 118, subdivision (b), provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Director of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued, or reinstated.

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

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

9. Health and Safety Code Section 44072.6 provides, in 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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STATUTORY PROVISIONS

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

11. Code Section 9884.7 states:

(a) The director, where the automotive repair dealer cannot show there was a bona fide error, may deny, suspend, revoke, or place on probation 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

1 automotive repair dealer or any automotive technician, employee, partner, officer, or
2 member of the automotive repair dealer.

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

6 (4) Any other conduct that constitutes fraud.

7 ...
8 (6) Failure in any material respect to comply with the provisions of this chapter
9 or regulations adopted pursuant to it.

10 ...
11 (c) Notwithstanding subdivision (b), the director may suspend, revoke, or place
12 on probation the registration for all places of business operated in this state by an
13 automotive repair dealer upon a finding that the automotive repair dealer has, or is,
14 engaged in a course of repeated and willful violations of this chapter, or regulations
15 adopted pursuant to it.

16 12. Health and Safety Code Section 44012 states, in part:

17 The test at the smog check stations shall be performed in accordance with
18 procedures prescribed by the department, pursuant to Section 44013, shall require, at
19 a minimum, loaded mode dynamometer testing in enhanced areas, and two-speed
20 testing in all other program areas, and shall ensure all of the following:

21 (f) A visual or functional check is made of emission control devices specified
22 by the department, including the catalytic converter in those instances in which the
23 department determines it to be necessary to meet the findings of Section 44001. The
24 visual or functional check shall be performed in accordance with procedures
25 prescribed by the department.

26 13. Health and Safety Code Section 44015, subdivision (b), states that "[i]f a vehicle
27 meets the requirements of Section 44012, a smog check station licensed to issue certificates shall
28 issue a certificate of compliance or a certificate of noncompliance."

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14. Health and Safety Code section 44032 states:

No person shall perform, for compensation, tests or repairs of emission control devices or systems of motor vehicles required by this chapter unless the person performing the test or repair is a qualified smog check technician and the test or repair is performed at a licensed smog check station. Qualified technicians shall perform tests of emission control devices and systems in accordance with Section 44012.

15. Health and Safety Code Section 44072.2 states, in part:

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

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

...

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

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

...

(h) Violates or attempts to violate the provisions of this chapter relating to the particular activity for which he or she is licensed.

16. Health and Safety Code section 44072.8 states:

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

17. Health and Safety Code section 44072.10, subdivision (c), states, in part:

The department shall revoke the license of any smog check technician or station licensee who fraudulently certifies vehicles or participates in the fraudulent inspection of vehicles. A fraudulent inspection includes, but is not limited to, all of the following:

1 (1) Clean piping, as defined by the department.

2 ...

3 (4) Intentional or willful violation of this chapter or any regulation, standard, or
4 procedure of the department implementing this chapter.

5 **REGULATORY PROVISIONS**

6 18. California Code of Regulations, title 16, section 3340.1 states, in part:

7 "Clean piping," for the purposes of Health and Safety Code section
8 44072.10(c)(1), means the use of a substitute exhaust emissions sample in place of the
9 actual test vehicle's exhaust in order to cause the EIS to issue a certificate of
10 compliance for the test vehicle.

11 19. California Code of Regulations, title 16, section 3340.30 states, in part:

12 A smog check technician shall comply with the following requirements at all
13 times while licensed.

14 (a) A licensed technician shall inspect, test and repair vehicles in accordance
15 with section 44012 of the Health and Safety Code, section 44035 of the Health and
16 Safety Code, and section 3340.42 of this article.

17 20. California Code of Regulations, title 16, section 3340.35, subdivision (c), states, in
18 part:

19 A licensed station shall issue a certificate of compliance or noncompliance to
20 the owner or operator of any vehicle that has been inspected in accordance with the
21 procedures specified in section 3340.42 of this article and has all the required
22 emission control equipment and devices installed and functioning correctly.

23 21. California Code of Regulations, title 16, section 3340.41, subdivision (c), states:

24 No person shall enter into the emissions inspection system any vehicle
25 identification information or emission control system identification data for any
26 vehicle other than the one being tested. Nor shall any person knowingly enter into the
27 emissions inspection system any false information about the vehicle being tested.

28 22. California Code of Regulations, title 16, section 3340.42, states, in part:

Smog check stations and smog check technicians shall conduct tests and
inspections in accordance with the bureau's BAR-97 Emissions Inspection System
Specifications referenced in subsections (a) and (b) of Section 3340.17

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1 23. California Code of Regulations, title 16, section 3371, states, in part:

2 No dealer shall publish, utter, or make or cause to be published, uttered, or
3 made any false or misleading statement or advertisement which is known to be false
4 or misleading, or which by the exercise of reasonable care should be known to be
5 false or misleading.

5 COST RECOVERY

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

9 CLEAN PIPING ACTIVITIES

10 25. On or about August 7, 2013, a 2005 Nissan 350Z, California license number
11 6MTV972, failed a smog inspection at a smog facility in Manteca, California. On or about
12 August 8, 2013, Respondent Perry, as an employee of Respondent Hamilton, entered data in to a
13 BAR-97 analyzer/Emissions Inspection System (EIS), under oath, attesting that he conducted a
14 smog inspection on the 2005 Nissan. Respondent Hamilton issued a certificate of compliance for
15 the 2005 Nissan. The August 8, 2013, inspection indicated that the odometer reading of the 2005
16 Nissan had two more miles added to it since the smog inspection the prior day in a city
17 approximately 75 miles away. On or about August 10, 2013, EV² purchased the 2005 Nissan
18 from a private party. On or about August 11, 2013, EV discovered that the 2005 Nissan's
19 catalytic converters were defective, so it should not have passed a proper smog inspection. EV
20 filed a complaint with the Bureau regarding the improper smog inspection by Respondent
21 Hamilton's facility.

22 26. On or about September 12, 2013, Respondent Perry admitted to Bureau investigators
23 that during smog inspections at Respondent Hamilton's facility, he used clean piping methods and
24 issued fraudulent certificates of compliance for six cars, as follows:

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26 ///

27
28 ² To maintain privacy, this Accusation identifies the complaining witness by letters.

Date/Time of Inspection	Vehicle Identification	Certificate Number
August 8, 2013, between 1931 and 1942 hours	2005 Nissan 350Z, CA license no. 6MTV972	OY454377
August 8, 2013, between 1948 and 1956 hours	1993 Mazda RX7, CA license no. 6GCE270	OY454378
August 11, 2013, between 1847 and 1854 hours	1997 BMW 3-series, WA license no. AHF6108	OY454390
August 11, 2013, between 1933 and 2023 hours	1984 Chevrolet G30 van, CA license no. 2LYT076	OY454391
August 12, 2013, between 1859 and 1914 hours	1993 Honda Civic, CA license no. 6SRH009	OY454398
August 23, 2013, between 1900 and 1912 hours	1990 Mazda RX7, CA license no. 6LQF701	OY727802

27. Respondent Perry admitted that as to the six cars listed, above, he received text messages from people requesting an illegal smog certificate. Each time, he manually entered the car's information into the EIS but used a different car to complete and pass the smog inspection. The six cars listed on the certificates of compliance were not present at the shop during the inspection. Respondent Perry provided each Vehicle Inspection Report in exchange for \$75.00 to \$100.00.

FIRST CAUSE FOR DISCIPLINE

(Untrue or Misleading Statements)

28. Respondent Hamilton's registration is subject to discipline because it made statements which it knew or which by exercise of reasonable care it should have known were untrue or misleading when it issued six electronic certificates of compliance certifying that the cars complied with applicable laws and regulations when, in fact, they should not have passed inspection, were not physically present during the inspection, and were not inspected as required. (Bus. & Prof. Code, § 9884.7, subd. (a)(1).) The underlying circumstances are set forth more particularly in paragraphs 25 through 27, above.

1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Failure to Comply With the Regulations**
3 **Pursuant to the Motor Vehicle Inspection Program)**

4 32. Respondent Hamilton's station license is subject to discipline for failing to comply
5 with the regulations of the Motor Vehicle Inspection Program. (Health & Saf. Code, § 44072.2,
6 subd. (c).) Specifically, it violated the following sections of California Code of Regulations, title
7 16:

8 a. 3340.35, subdivision (c): Respondent Hamilton issued electronic smog certificates
9 of compliance for the six cars identified in paragraph 26, above, even though those cars had not
10 been inspected in accordance with California Code of Regulations, title 16, section 3340.42.

11 b. 3340.42: Respondent Hamilton failed to ensure that the required smog tests were
12 conducted on the six cars identified in paragraph 26, above, in accordance with the Bureau's
13 specifications.

14 c. 3371: Respondent Hamilton made false or misleading statements that it knew to be
15 false or misleading, or that by the exercise of reasonable care, should have known to be
16 false or misleading, when it issued the electronic smog certificates of compliance for the six cars
17 identified in paragraph 26, above.

18 33. The underlying circumstances are set forth more particularly in paragraphs 25 through
19 27, above.

20 **FIFTH CAUSE FOR DISCIPLINE**

21 **(Fraud)**

22 34. Respondent Hamilton's station is license subject to discipline for committing
23 dishonest, fraudulent, or deceitful acts whereby another is injured by issuing electronic smog
24 certificates of compliance for the six cars identified in paragraph 26, above, without ensuring that
25 it performed bona fide inspections of the emission control devices and systems on those cars,
26 thereby depriving the People of the State of California of the protection afforded by the Motor
27 Vehicle Inspection Program. (Health & Saf. Code, § 44072.2, subd. (d).)

28 35. The underlying circumstances are set forth more particularly in paragraphs 25 through
27, above.

1 **SIXTH CAUSE FOR DISCIPLINE**

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

3 36. Respondent Perry's inspector and technician licenses are subject to discipline for
4 failing to comply with the Motor Vehicle Inspection Program. (Health & Saf. Code, § 44072.2,
5 subd. (a).) Specifically, he violated the following Health and Safety Code sections:

6 a. **44012:** Respondent Perry failed to ensure that the emissions control tests he
7 performed on the six cars identified in paragraph 26, above, were in accordance with procedures
8 prescribed by the department.

9 b. **44012, subdivision (f):** Respondent Perry failed to perform visual or functional
10 checks of emission control devices, including the catalytic converter, on the six cars identified in
11 paragraph 26, above, as specified by the department.

12 c. **44032:** Respondent Perry failed to perform the tests of emission control devices and
13 systems of the six cars identified in paragraph 26, above, in accordance with Section 44012.

14 37. The underlying circumstances are set forth more particularly in paragraphs 25 through
15 27, above.

16 **SEVENTH CAUSE FOR DISCIPLINE**

17 **(Failure to Comply With the Regulations
18 Pursuant to the Motor Vehicle Inspection Program)**

19 38. Respondent Perry's inspector and technician licenses are subject to discipline for
20 failing to comply with the regulations of the Motor Vehicle Inspection Program. (Health & Saf.
21 Code, § 44072.2, subd. (c).) Specifically, he violated the following sections of California Code of
22 Regulations, title 16:

23 a. **3340.30, subdivision (a):** Respondent Perry failed to inspect and test the six cars
24 identified in paragraph 26, above, in accordance with Health and Safety Code section 44012.

25 b. **3340.41, subdivision (c):** Respondent Perry entered false information about the six
26 cars identified in paragraph 26, above, into the EIS.

27 c. **3340.42:** Respondent Perry failed to conduct the required smog tests and inspections
28 on the six cars identified in paragraph 26, above, in accordance with the Bureau's specifications.

1 39. The underlying circumstances are set forth more particularly in paragraphs 25 through
2 27, above.

3 **EIGHTH CAUSE FOR DISCIPLINE**

4 **(Fraud)**

5 40. Respondent Perry's inspector and technician licenses are subject to discipline because
6 he committed dishonest, fraudulent, or deceitful acts whereby another is injured by issuing
7 electronic smog certificates of compliance for the six cars identified in paragraph 26, above,
8 without performing bona fide inspections of the emission control devices and systems on those
9 cars, thereby depriving the People of the State of California of the protection afforded by the
10 Motor Vehicle Inspection Program. (Health & Saf. Code, § 44072.2, subd. (d).)

11 41. The underlying circumstances are set forth more particularly in paragraphs 25 through
12 27, above.

13 **DISCIPLINARY CONSIDERATIONS**

14 42. To determine the degree of discipline, if any, to be imposed on Respondent Hamilton,
15 Complainant alleges that on or about March 29, 2000, in a prior action, the Bureau of Automotive
16 Repair issued Citation Number C00-0284 and ordered Respondent to pay a civil penalty of
17 \$250.00. The citation fine was paid on April 24, 2000. The citation is now final and is
18 incorporated by reference as if fully set forth.

19 43. To determine the degree of discipline, if any, to be imposed on Respondent Hamilton,
20 Complainant alleges that on or about March 3, 2008, in a prior action, the Bureau of Automotive
21 Repair issued Citation Number C08-0733 and ordered Respondent Hamilton to pay a civil penalty
22 of \$500.00. The citation fine was paid on March 23, 2009. The citation is now final and is
23 incorporated by reference as if fully set forth.

24 44. To determine the degree of discipline, if any, to be imposed on Respondent Hamilton,
25 Complainant alleges that on or about August 5, 2013, in a prior action, the Bureau of Automotive
26 Repair issued Citation Number C2014-0086 and ordered Respondent Hamilton to pay a civil
27 penalty of \$1,000.00. The citation fine was paid on September 19, 2013. The citation is now
28 final and is incorporated by reference as if fully set forth.

1 45. To determine the degree of discipline, if any, to be imposed on Respondent Perry,
2 Complainant alleges that on or about August 5, 2013, in a prior action, the Bureau of Automotive
3 Repair issued Citation Number M2014-0087 and ordered Respondent Perry to complete an 8-hour
4 citation class. As of July 2, 2104, the citation class has not been completed.

5 OTHER MATTERS

6 46. Under Code section 9884.7, subdivision (c), the director may invalidate temporarily
7 or permanently or refuse to validate, the registrations for all places of business operated in this
8 state by Hamilton Union Service and Hossain Erfan Khaziri, Owner, upon a finding that it has, or
9 is, engaged in a course of repeated and willful violations of the laws and regulations pertaining to
10 an automotive repair dealer.

11 47. Under Health and Safety Code section 44072.8, if Smog Check Station License
12 Number RC 148777, issued to Hamilton Union Service and Hossain Erfan Khaziri, Owner, is
13 revoked or suspended, any additional license issued under this chapter in the name of said
14 licensee may likewise be suspended or revoked.

15 48. Under Health and Safety Code section 44072.8, if Smog Check Inspector License No.
16 EO 631117 and Smog Check Repair Technician License No. EI 631117 issued to Ja Mare Dejhon
17 Perry are revoked or suspended, any additional license issued under this chapter in the name of
18 said licensee may likewise be suspended or revoked.

19 PRAYER

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

22 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
23 148777, issued to Hamilton Union Service and Hossain Erfan Khaziri, Owner;

24 2. Revoking, suspending, or placing on probation any other automotive repair dealer
25 registration issued in the name Hamilton Union Service;

26 3. Revoking or suspending Smog Check Station License Number RC 148777, issued to
27 Hamilton Union Service and Hossain Erfan Khaziri, Owner;

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- 1 4. Revoking or suspending any additional license issued under Chapter 5 of the Health
- 2 and Safety Code in the name of Hamilton Union Service;
- 3 5. Revoking or suspending Smog Check Inspector License No. EO 631117 and Smog
- 4 Check Repair Technician License No. EI 631117 issued to Ja Mare Dejhon Perry;
- 5 6. Revoking or suspending any additional license issued under Chapter 5 of the Health
- 6 and Safety Code in the name of Ja Mare Dejhon Perry;
- 7 7. Ordering Hamilton Union Service, Hossain Erfan Khaziri, and Ja Mare Dejhon Perry
- 8 to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement
- 9 of this case, pursuant to Business and Professions Code section 125.3; and
- 10 8. Taking such other and further action as deemed necessary and proper.

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DATED: July 3, 2014



PATRICK DORAIS
Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant

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