

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

In the Matter of the Accusation Against:

**RESEDA PETROL, INC.;**  
**VACHE VARDANIAN - President/Treasurer;**  
**VLADIMAR VARDANIAN - Secretary**  
6801 Reseda Blvd  
Reseda, CA 91335

Automotive Repair Dealer Registration  
No. ARD 261141  
Smog Check, Test Only, Station License No.  
TC 261141

**ALFRED ABOLIAN**  
548 E. Provencia Ave. #101  
Burbank, CA 91501  
Smog Check Inspector License No. EO 140971  
Smog Check Repair Technician License No. EI  
140971 (formerly Advanced Emission Specialist  
Technician License No. EA 140971)

Respondents.

Case No. 79/13-97

**DECISION**

The attached Stipulated Settlement and Disciplinary Order as to Respondent Alfred Abolian 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 Alfred Abolian, Smog Check Inspector License No. EO 140971 and Smog Check Repair Technician License No. EI 140971.

This Decision shall become effective \_\_\_\_\_

**NOV 12 2013**

DATED: October 16, 2013

  
\_\_\_\_\_  
DONALD CHANG  
Assistant Chief Counsel  
Department of Consumer Affairs

1 KAMALA D. HARRIS  
Attorney General of California  
2 MARC D. GREENBAUM  
Supervising Deputy Attorney General  
3 ZACHARY T. FANSELOW  
Deputy Attorney General  
4 State Bar No. 274129  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2562  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*  
7

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

10 In the Matter of the Accusation Against:

11 **RESEDA PETROL, INC.;**  
12 **VACHE VARDANIAN – President/Treasurer;**  
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14 **6801 Reseda Blvd**  
**Reseda, CA 91335**

15 **Automotive Repair Dealer Registration No.**  
**ARD 261141**  
16 **Smog Check, Test Only, Station License No.**  
**TC 261141**

17 **ABOLIAN, ALFRED**  
18 **548 E. Providencia Ave. #101**  
**Burbank, CA 91501**  
19 **Smog Check Inspector License No. EO 140971**  
20 **Smog Check Repair Technician License No. EI**  
**140971 (formerly Advanced Emission**  
**Specialist Technician License No. EA 140971)**

21 Respondents.

Case No. 79/13-97

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER AS TO**  
**RESPONDENT ALFRED ABOLIAN**  
**ONLY**

22  
23 IT IS HEREBY STIPULATED AND AGREED by and between the parties<sup>1</sup> to the above-  
24 entitled proceedings that the following matters are true:

25 \ \ \

26  
27 <sup>1</sup> The parties in this Stipulated Settlement are the Bureau of Automotive Repair and  
28 Respondent Alfred Abolian only. Respondent Reseda Petrol is not a party to this settlement.





1 stipulation as the Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of  
2 no force or effect, except for this paragraph, it shall be inadmissible in any legal action between  
3 the parties, and the Director shall not be disqualified from further action by having considered  
4 this matter.

5 12. The parties understand and agree that Portable Document Format (PDF) and facsimile  
6 copies of this Stipulated Settlement and Disciplinary Order, including Portable Document Format  
7 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

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

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

17 **DISCIPLINARY ORDER**

18 IT IS HEREBY ORDERED that Smog Check Inspector License No. EO 140971 and Smog  
19 Check Repair Technician License No. EI 140971 issued to Respondent Alfred Abolian are  
20 revoked. However, the revocations are stayed and Respondent is placed on probation for three  
21 (3) years on the following terms and conditions.

- 22 1. **Obey All Laws.** Comply with all statutes, regulations and rules governing  
23 automotive inspections, estimates and repairs.
- 24 2. **Reporting.** Respondent or Respondent's authorized representative must report in  
25 person or in writing as prescribed by the Bureau of Automotive Repair, on a schedule set by the  
26 Bureau, but no more frequently than each quarter, on the methods used and success achieved in  
27 maintaining compliance with the terms and conditions of probation.
- 28 3. **Random Inspections.** Provide Bureau representatives unrestricted access to inspect

1 all vehicles (including parts) undergoing repairs, up to and including the point of completion.

2 4. **Jurisdiction.** If an accusation is filed against Respondent during the term of  
3 probation, the Director of Consumer Affairs shall have continuing jurisdiction over this matter  
4 until the final decision on the accusation, and the period of probation shall be extended until such  
5 decision.

6 5. **Violation of Probation.** Should the Director of Consumer Affairs determine that  
7 Respondent has failed to comply with the terms and conditions of probation, the Department may,  
8 after giving notice and opportunity to be heard suspend or revoke Respondent's licenses.

9 6. **Continuing Education Courses.** During the period of probation, Respondent shall  
10 attend and successfully complete a 68-hour Bureau certified training course in diagnosis and  
11 repair of emission systems failures and engine performance, applicable to the class of license held  
12 by the Respondent. Said course shall be completed and proof of completion submitted to the  
13 Bureau within 180 days of the effective date of this decision and order. If proof of completion of  
14 the course is not furnished to the Bureau within the 180-day period, Respondents' license shall be  
15 immediately suspended until such proof is received.

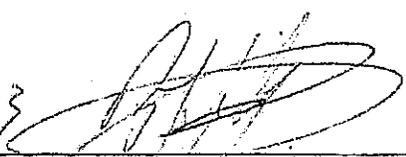
16 7. **Cost Recovery.** Respondent shall pay to the Bureau, pursuant to Business and  
17 Professions Code section 125.3, the costs of investigation and enforcement in this matter in the  
18 amount of \$2,482.50. Payment to the Bureau shall be made in 24 installments, with the final  
19 payment due no later than 12 months before probation terminates. Failure to complete payment  
20 of cost recovery within this time frame shall constitute a violation of probation which may subject  
21 Respondent's licenses to outright revocation. However, the Director the Director's Bureau of  
22 Automotive Repair designee may elect to continue probation until such time as reimbursement of  
23 the entire cost recovery amount has been made to the Bureau.

24 ACCEPTANCE

25 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
26 discussed it with my attorney, Arpa Avanesian. I understand the stipulation and the effect it will  
27 have on my Smog Check Inspector License and my Smog Check Repair Technician License. I  
28 enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and

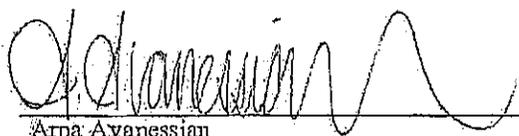
1 intelligently, and agree to be bound by the Decision and Order of the Director of Consumer  
2 Affairs.

3  
4 DATED: 09-07-2013

  
Alfred Abolian  
Respondent

5  
6 I have read and fully discussed with Respondent Alfred Abolian the terms and conditions  
7 and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve  
8 its form and content.

9  
10 DATED: 09/07/13

  
Arpa Avanesian  
Attorney for Respondent

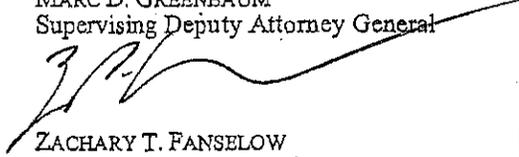
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13 ENDORSEMENT

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

16  
17 Dated: 9/10/13

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
MARC D. GREENBAUM  
Supervising Deputy Attorney General

  
ZACHARY T. FANSELOW  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 79/13-97**

1 KAMALA D. HARRIS  
Attorney General of California  
2 MARC D. GREENBAUM  
Supervising Deputy Attorney General  
3 ZACHARY T. FANSELOW  
Deputy Attorney General  
4 State Bar No. 274129  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2562  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*  
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11  
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VACHE VARDANIAN – President/Treasurer;  
13 VLADIMAR VARDANIAN – Secretary;  
6801 Reseda Blvd  
14 Reseda, CA 91335

ACCUSATION  
SMOG CHECK

15 Automotive Repair Dealer Registration No.  
ARD 261141  
16 Smog Check, Test Only, Station License No.  
TC 261141

17  
18 ABOLIAN, ALFRED  
548 E. Providencia Ave. #101  
Burbank, CA 91501  
19 Advanced Emission Specialist Technician  
License No. EA 140971 (to be redesignated  
20 upon renewal as EO 140971 and/or EI 140971)

21 Respondents.

22  
23 Complainant alleges:

24 PARTIES

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

27 / / /

28 / / /



1 against an automotive repair dealer or to render a decision invalidating a registration temporarily  
2 or permanently.

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

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

10 10. Health and Safety Code section 44072.6 provides, in pertinent part, that the expiration  
11 or suspension of a license by operation of law, or by order or decision of the Director of  
12 Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive the  
13 Director of jurisdiction to proceed with a disciplinary action.

14 11. California Code of Regulations, title 16, section 3340.28, subdivision (e), states that  
15 "[u]pon renewal of an unexpired Basic Area Technician license or an Advanced Emission  
16 Specialist Technician license issued prior to the effective date of this regulation, the licensee may  
17 apply to renew as a Smog Check Inspector, Smog Check Repair Technician, or both."

### 18 STATUTORY PROVISIONS

19 12. Section 477 states, in pertinent part:

20 (a) "Board" includes "bureau," "commission," "committee," "department,"  
21 "division," "examining committee," "program," and "agency."

22 (b) "License" includes certificate, registration or other means to engage in a  
23 business or profession regulated by the Code.

24 13. Section 9884.7 states, in pertinent part:

25 (a) The director, where the automotive repair dealer cannot show there was a  
26 bona fide error, may deny, suspend, revoke, or place on probation the registration of  
27 an automotive repair dealer for any of the following acts or omissions related to the  
28 conduct of the business of the automotive repair dealer, which are done by the  
automotive repair dealer or any automotive technician, employee, partner, officer, or  
member of the automotive repair dealer.

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

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....

(4) Any other conduct that constitutes fraud.

....

(6) Failure in any material respect to comply with the provisions of this chapter [the Automotive Repair Act (Bus. & Prof. Code, § 9880, et seq.)] or regulations adopted pursuant to it.

....

(b) Except as provided for in subdivision (c), if an automotive repair dealer operates more than one place of business in this state, the director pursuant to subdivision (a) shall only suspend, revoke, or place on probation the registration of the specific place of business which has violated any of the provisions of this chapter. This violation, or action by the director, shall not affect in any manner the right of the automotive repair dealer to operate his or her other places of business.

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

14. Section 9884.9 states, in pertinent part:

(a) The automotive repair dealer shall give to the customer a written estimated price for labor and parts necessary for a specific job. No work shall be done and no charges shall accrue before authorization to proceed is obtained from the customer. No charge shall be made for work done or parts supplied in excess of the estimated price without the oral or written consent of the customer that shall be obtained at some time after it is determined that the estimated price is insufficient and before the work not estimated is done or the parts not estimated are supplied. Written consent or authorization for an increase in the original estimated price may be provided by electronic mail or facsimile transmission from the customer. The bureau may specify in regulation the procedures to be followed by an automotive repair dealer when an authorization or consent for an increase in the original estimated price is provided by electronic mail or facsimile transmission. If that consent is oral, the dealer shall make a notation on the work order of the date, time, name of person authorizing the additional repairs and telephone number called, if any, together with a specification of the additional parts and labor and the total additional cost . . .

**REGULATORY PROVISIONS**

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

16. Health and Safety Code Section 44012 states:

The test at the smog check stations shall be performed in accordance with procedures

1 prescribed by the department and may require loaded mode dynamometer testing in  
2 enhanced areas, two-speed idle testing, testing utilizing a vehicle's onboard diagnostic  
3 system, or other appropriate test procedures as determined by the department in  
4 consultation with the state board. The department shall implement testing using  
5 onboard diagnostic systems, in lieu of loaded mode dynamometer or two-speed idle  
6 testing, on model year 2000 and newer vehicles only, beginning no earlier than  
7 January 1, 2013. However, the department, in consultation with the state board, may  
8 prescribe alternative test procedures that include loaded mode dynamometer or two-  
9 speed idle testing for vehicles with onboard diagnostic systems that the department  
10 and the state board determine exhibit operational problems. The department shall  
11 ensure, as appropriate to the test method, the following:

12 (a) Emission control systems required by state and federal law are reducing  
13 excess emissions in accordance with the standards adopted pursuant to subdivisions  
14 (a) and (c) of Section 44013.

15 . . . .

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

21 17. Health and Safety Code Section 44015 states, in pertinent part:

22 (b) If a vehicle meets the requirements of Section 44012, a smog check station  
23 licensed to issue certificates shall issue a certificate of compliance or a certificate of  
24 noncompliance.

25 18. Health and Safety Code Section 44032 states:

26 No person shall perform, for compensation, tests or repairs of emission control  
27 devices or systems of motor vehicles required by this chapter unless the person  
28 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.

19. Health and Safety Code section 44072.2 states:

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 Safety 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.

20. 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.

21. California Code of Regulations, title 16, section 3340.30, subdivision (a), provides, in pertinent part, that a licensed technician shall inspect, test and repair vehicles in accordance with section 44012 of the Health and Safety Code, section 44035 of the Health and Safety Code, and section 3340.42 of the California Code of Regulations.

22. California Code of Regulations, title 16, section 3340.35, subdivision (c), provides, in pertinent part, that a licensed station shall issue a certificate of compliance or noncompliance to the owner or operator of any vehicle that has been inspected in accordance with the procedures specified in section 3340.42 of the California Code of Regulations and have all the required emission control equipment and devices installed and functioning correctly.

23. California Code of Regulations, title 16, section 3340.41, subdivision (c), states that no person shall enter into the emissions inspection system any vehicle identification information or emission control system identification data for any vehicle other than the one being tested. Nor shall any person knowingly enter into the emissions inspection system any false information about the vehicle being tested.

24. California Code of Regulations, title 16, section 3340.42 provides, in pertinent part:

(e) In addition to the test methods prescribed in this section, the following tests shall apply to all vehicles, except diesel-powered vehicles, during the Smog Check inspection:

(1) A visual inspection of the vehicle's emissions control systems. During the visual inspection, the technician shall verify that the following emission control devices, as applicable, are properly installed on the vehicle:

.....  
(C) crankcase emissions controls, including positive crankcase ventilation,  
.....

1 (I) any emissions control systems that are not otherwise prompted by the Emissions  
2 Inspection System, but listed as a requirement by the vehicle manufacturer.

3 COST RECOVERY

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

8 UNDERCOVER OPERATION 1 – September 13, 2012

9 26. On or about September 13, 2012, a Bureau undercover operator (“Operator”) drove a  
10 Bureau documented 1995 Ford to Reseda Petrol Inc. and requested a smog inspection. The Air  
11 Pump Injection system (“AIR”) components had been removed, causing the vehicle to be  
12 incapable of passing a smog inspection. The Operator signed a work order prior to the smog  
13 inspection and received an estimate copy. Respondent Abolian performed the smog inspection  
14 and improperly passed the vehicle for the visual portion of the smog inspection when the vehicle  
15 could not have passed because the AIR components had been removed. An electronic Certificate  
16 of Compliance, however, was not issued because the vehicle failed the functional fuel evaporative  
17 emissions inspection. The Operator paid Respondent \$60.75, and was provided with a copy of  
18 Invoice No. [REDACTED] as well as a Vehicle Inspection Report.

19 FIRST CAUSE FOR DISCIPLINE

20 (Untrue or Misleading Statements)

21 27. Respondent’s Registration is subject to discipline under section 9884.7, subdivision  
22 (a)(1), in that on or about September 13, 2012, Respondent or Respondent’s employee made  
23 statements which he knew or which by exercise of reasonable care should have known to be  
24 untrue or misleading by entering “Pass” into the emission inspection system for the visual  
25 inspection of the Air Pump Injection system, when the vehicle could not have passed the visual  
26 portion of the smog inspection because AIR components had been removed from the vehicle.

27 ///

28 ///





1 SIXTH CAUSE FOR DISCIPLINE

2 (Fraud)

3 33. Respondent's Registration is subject to discipline under section 9884.7, subdivision  
4 (a)(4), Respondent's Station License is subject to discipline pursuant to Health & Safety Code  
5 section 44072.2, subdivision (d), and Respondent Abolian's Technician License(s) is/are subject  
6 to discipline pursuant to Health & Safety Code section 44072.2, subdivision (d), in that on or  
7 about October 16, 2012, Respondent and Respondent Abolian committed acts constituting fraud  
8 whereby another was injured by issuing electronic Certificate of Compliance No. [REDACTED] for  
9 the 1995 Ford without performing a bona fide inspection of the emission control devices and  
10 systems on the vehicle, thereby depriving the People of the State of California of the protection  
11 afforded by the Motor Vehicle Inspection Program

12 SEVENTH CAUSE FOR DISCIPLINE

13 (Violations of the Motor Vehicle Inspection Program)

14 34. Respondent's Station License is subject to discipline pursuant to Health & Safety  
15 Code section 44072.2, subdivision (a), in that on or about October 16, 2012, regarding the 1995  
16 Ford, Respondent failed to comply with the following sections of the Health and Safety Code:

17 a. Section 44012, subdivision (f): Respondent failed to perform emission control  
18 inspections of the vehicle in accordance with procedures prescribed by the department.

19 a. Section 44032: Respondent issued electronic Certificate of Compliance No.  
20 [REDACTED] for the vehicle without properly inspecting the vehicle to determine if it was in  
21 compliance with Health & Safety Code section 44012.

22 EIGHTH CAUSE FOR DISCIPLINE

23 (Failure to Comply with Regulations)

24 35. Respondent's Station License is subject to discipline pursuant to Health & Safety  
25 Code section 44072.2, subdivision (c), in that on or about October 16, 2012, regarding the 1995  
26 Ford, Respondent failed to comply with provisions of California Code of Regulations, title 16, as  
27 follows:

1 a. **Section 3340.35, subdivision (c):** Respondent issued electronic Certificate of  
2 Compliance No. [REDACTED] for the 1995 Ford, even though the vehicle had not been inspected in  
3 accordance with section 3340.42.

4 b. **Section 3340.42:** Respondent failed to perform an emission control inspection of the  
5 vehicle in accordance with procedures prescribed by the department.

6 **NINTH CAUSE FOR DISCIPLINE**

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

8 36. Respondent Abolian's Technician License(s) is/are subject to discipline pursuant to  
9 Health and Safety Code section 44072.2, subdivision (a), in that on or about October 16, 2012,  
10 regarding the 1995 Ford, Respondent Abolian violated the following sections of the Health and  
11 Safety Code:

12 a. **Section 44012, subdivision (f):** Respondent Abolian failed to perform emission  
13 control inspections of the vehicle in accordance with procedures prescribed by the department.

14 b. **Section 44032:** Respondent Abolian failed to perform an inspection of the emission  
15 control devices and systems on the vehicle in accordance with section 44012 of the Health and  
16 Safety Code.

17 **TENTH CAUSE FOR DISCIPLINE**

18 **(Failure to Comply with Regulations)**

19 37. Respondent Abolian's Technician License(s) is/are subject to discipline pursuant to  
20 Health and Safety Code section 44072.2, subdivision (c) in that, on or about October 16, 2012,  
21 regarding the 1995 Ford, Respondent Abolian violated the following sections of the California  
22 Code of Regulations, title 16:

23 a. **Section 3340.30, subdivision (a):** Respondent Abolian failed to perform the  
24 emission control inspection in accordance with Health and Safety Code section 44012.

25 b. **Section 3340.41, subdivision (c):** Respondent Abolian entered false information into  
26 the Emissions Inspection System unit by entering "Pass" for the visual portion of the inspection  
27 when the vehicle could not have passed the visual portion of the smog inspection because the AIR  
28 components had been removed from the vehicle.

1 c. **Section 3340.42:** Respondent Abolian failed to perform an emission control  
2 inspection of the vehicle in accordance with the Bureau's specifications.

3 **DISCIPLINE CONSIDERATIONS: PRIOR CITATIONS**

4 38. To determine the degree of discipline, if any, to be imposed on Respondents,  
5 Complainant alleges the following:

6 a. On or about February 23, 2011, the Bureau issued Citation No. C2011-0937 against  
7 Respondent for violating Health and Safety Code section 44012(f) (failure to determine that  
8 emission control devices and systems required by State and Federal law are installed and  
9 functioning correctly in accordance with test procedures). The Bureau assessed civil penalties  
10 totaling \$1,000.00 against Respondent for the violations. The citation was appealed on March 15,  
11 2011, and was upheld following a hearing on February 16, 2012. Respondent complied with this  
12 citation on May 3, 2012.

13 b. On or about September 9, 2011, the Bureau issued Citation No. C2012-0208 against  
14 Respondent for violating Health and Safety Code section 44012(f) (failure to determine that  
15 emission control devices and systems required by State and Federal law are installed and  
16 functioning correctly in accordance with test procedures). The Bureau assessed civil penalties  
17 totaling \$1,500.00 against Respondent for the violations. Respondent complied with this citation  
18 on October 31, 2011.

19 c. On or about January 12, 2012, the Bureau issued Citation No. C2012-0706 against  
20 Respondent for violating Health and Safety Code section 44012(f) (failure to determine that  
21 emission control devices and systems required by State and Federal law are installed and  
22 functioning correctly in accordance with test procedures). The Bureau assessed civil penalties  
23 totaling \$1,500.00 against Respondent for the violations. The citation was appealed on February  
24 13, 2012. A default decision was sent to the Department of Consumer Affairs on September 20,  
25 2012. Respondent complied with this citation on August 13, 2012.

26 d. On or about July 29, 2002, the Bureau issued Citation No. M03-0132 against  
27 Respondent Abolian's Technician License for violating Health and Safety Code section 44032  
28 (qualified technicians shall perform tests of emission control systems and devices in accordance

1 with section 44012 of the H&S Code) and California Code of Regulations, title 16, section  
2 3340.30, subdivision (a) (qualified technicians shall inspect, test and repair vehicles in accordance  
3 with Health and Safety Code sections 44012 and 44035 as well as California Code of  
4 Regulations, title 16, section 3340.42). Respondent was required to attend an 8-hour training  
5 course. On or about September 11, 2002, Respondent completed the required training course.

6 e. On or about May 2, 2008, the Bureau issued Citation No. M08-0970 against  
7 Respondent Abolian's Technician License for violating Health and Safety Code section 44032  
8 (qualified technicians shall perform tests of emission control systems and devices in accordance  
9 with section 44012 of the H&S Code) and California Code of Regulations, title 16, section  
10 3340.30, subdivision (a) (qualified technicians shall inspect, test and repair vehicles in accordance  
11 with Health and Safety Code sections 44012 and 44035 as well as California Code of  
12 Regulations, title 16, section 3340.42). Respondent was required to attend a 8-hour training  
13 course. On or about June 3, 2008, Respondent completed the required training course.

14 f. On or about February 23, 2011, the Bureau issued Citation No. M2011-0938 against  
15 Respondent Abolian's Technician License for violating Health and Safety Code section 44032  
16 (qualified technicians shall perform tests of emission control systems and devices in accordance  
17 with section 44012 of the H&S Code). Respondent was required to attend a 16-hour training  
18 course. The citation was appealed on March 14, 2011. Following a hearing held on February 16,  
19 2012, the citation was upheld. On or about April 16, 2012, Respondent completed the required  
20 training course.

21 g. On or about September 9, 2011, the Bureau issued Citation No. M2012-0209 against  
22 Respondent Abolian's Technician License for violating Health and Safety Code section 44032  
23 (qualified technicians shall perform tests of emission control systems and devices in accordance  
24 with section 44012 of the H&S Code). Respondent was required to attend a 16-hour training  
25 course. On or about October 21, 2011, Respondent completed the required training course.

26 h. On or about January 12, 2012, the Bureau issued Citation No. M2012-0707 against  
27 Respondent Abolian's Technician License for violating Health and Safety Code section 44032  
28 (qualified technicians shall perform tests of emission control systems and devices in accordance

1 with section 44012 of the H&S Code). Respondent was required to attend a 68-hour training  
2 course. The citation was appealed on February 13, 2012. A default decision was sent to the  
3 Department of Consumer Affairs on September 20, 2012. On or about April 27, 2012,  
4 Respondent completed the required training course.

5 **OTHER MATTERS**

6 39. Pursuant to section 9884.7, subdivision (c), the Director may suspend, revoke, or  
7 place on probation the registrations for all places of business operated in this state by Reseda  
8 Petrol Inc., Vache Vardanian – President/Treasurer and Vladimar Vardanian – Secretary, upon a  
9 finding that Respondent has, or is, engaged in a course of repeated and willful violations of the  
10 laws and regulations pertaining to an automotive repair dealer.

11 40. Pursuant to Health and Safety Code section 44072.8, if Smog Check Test Only  
12 Station License Number TC 261141, issued to Reseda Petrol Inc., Vache Vardanian –  
13 President/Treasurer and Vladimar Vardanian – Secretary, doing business as Reseda Petrol Inc., is  
14 revoked or suspended, any additional license issued under this chapter in the name of said  
15 licensees may be likewise revoked or suspended by the director.

16 41. Pursuant to Health and Safety Code section 44072.8, if Respondent Alfred Abolian's  
17 Technician License(s), currently designated as EA 140971 and redesignated upon timely renewal  
18 as EO 140971 and/or EI 140971 is/are revoked or suspended, any additional license issued under  
19 this chapter in the name of said licensee may be likewise revoked or suspended by the director.

20 **PRAYER**

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

23 1. Revoking, suspending or placing on probation Automotive Repair Dealer Registration  
24 Number ARD 261141, issued to Reseda Petrol Inc., Vache Vardanian – President/Treasurer and  
25 Vladimar Vardanian – Secretary, doing business as Reseda Petrol Inc.;

26 2. Revoking, suspending or placing on probation any other automotive repair dealer  
27 registration issued to Reseda Petrol Inc., Vache Vardanian – President/Treasurer and Vladimar  
28 Vardanian – Secretary;

- 1           3.    Revoking or suspending Smog Check, Test Only, Station License Number TC
- 2 261141, issued to issued to Reseda Petrol Inc., Vache Vardanian – President/Treasurer and
- 3 Vladimar Vardanian – Secretary, doing business as Reseda Petrol Inc.;
- 4           4.    Revoking or suspending any additional license issued under chapter 5 of the Health
- 5 and Safety Code in the name of Reseda Petrol Inc., Vache Vardanian – President/Treasurer and
- 6 Vladimar Vardanian – Secretary;
- 7           5.    Revoking or suspending Alfred Abolian’s Technician License(s), currently
- 8 designated as EA 140971 and as redesignated upon his timely renewal as EO 140971 and/or EI
- 9 140971;
- 10          6.    Revoking or suspending any additional license issued under chapter 5 of the Health
- 11 and Safety Code in the name of Alfred Abolian;
- 12          7.    Ordering Reseda Petrol Inc., Vache Vardanian – President/Treasurer, Vladimar
- 13 Vardanian – Secretary and Alfred Abolian to pay the Bureau of Automotive Repair the
- 14 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
- 15 Professions Code section 125.3; and,
- 16          8.    Taking such other and further action as deemed necessary and proper.

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DATED: June 7, 2013

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

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