

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

In the Matter of the Accusation Against:

**MULTIPLEX CAR WASH, INC. DBA
GRANVIA SERVICE CENTER;
SHAHLA Z. SHARIFI,
PRESIDENT/TREASURER; MASOUD
SHARIFI, SECRETARY**
28103 Hawthorne Blvd.
Rancho Palos Verdes, CA 90275

30161 Cartier Drive
Rancho Palos Verdes, CA 90275

Automotive Repair Dealer Registration No.
ARD 242284
Smog Check Test Only Station License No.
RC 242284

and

AHMAD REZA HAGHSHENAS
1437 W. Santa Cruz St.
San Pedro, CA 90732

Smog Check Inspector EO 152302 (formerly
Advanced Emission Specialist Technician
EA 152302)
Smog Check Repair Technician EI 152302

Respondents.

Case No. 79/14-14

OAH Case No.: 2014120766

DECISION

The attached Stipulated Settlement and Order as to Ahmad Reza Haghshenas 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 Ahmad Reza Haghshenas, Smog Check Inspector EO 152302 (formerly Advanced Emission Specialist Technician EA 152302), and Smog Check Repair Technician EI 152302.

The suspension of Smog Check Inspector EO 152302 (formerly Advanced Emission Specialist Technician EA 152302) and Smog Check Repair Technician EI

152302, issued to respondent Ahmad Reza Haghshenas, shall commence on the effective date of this Decision.

This Decision shall become effective May 10th, 2016.

DATED: April 1, 2016



TAMARA COLSON
Assistant General Counsel
Department of Consumer Affairs

KAMALA D. HARRIS
Attorney General

State of California
DEPARTMENT OF JUSTICE



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August 20, 2015

Greg Pearson, Program Representative III
Bureau of Automotive Repair - Rancho Cordova
10949 N. Mather Blvd.
Rancho Cordova, CA 95670

Re: RECOMMENDATION TO ADOPT STIPULATION
In the Matter of the Accusation Against:
AHMAD REZA HAGHSHENAS
OAH No. 2014120766
Bureau of Automotive Repair Case No. 79/14-14

Dear Mr. Pearson:

Enclosed for consideration by the Director of Consumer Affairs are the Stipulated Settlement and Disciplinary Order in this matter. For the reasons stated below, our office recommends that the Director adopt the agreement and issue the enclosed Decision and Order.

The terms and conditions contained in the stipulation were coordinated with you prior to being offered to Respondent.

PERSONAL INFORMATION

Ahmad Reza Haghshenas ("Respondent") was issued Advanced Emission Specialist Technician License, No. EA 152302, on January 1, 2005. Pursuant to California Code of Regulations, title 16, section 3340.28, subdivision (e), the license was renewed, pursuant to Respondent Haghshenas' election, as Smog Check Inspector License No. EO 152302 and Smog Check Repair Technician License No. EI 152302, effective May 30, 2013.

Respondent was previously employed by Multiplex Car Wash, Inc., dba Granvia Service Center, whose Smog Check Station License No. RC 242284 was revoked by stipulated agreement on March 7, 2014. At the time this stipulation was executed, Respondent was unemployed.

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CHARGES AND ADMISSIONS

The Accusation against Respondent was filed on August 8, 2013. It alleges that in 2012, Respondent violated Health & Safety Code sections 44072.2 (a) and (c) [Violation of /Failure to Comply with Motor Vehicle Inspection Program Regulations] and section 44072.2 (d) [dishonest, fraudulent, or deceitful act].

PROPOSED SETTLEMENT CONTRASTED WITH PENALTY GUIDELINES

The stipulation provides for revocation stayed and three (3) years probation on terms and conditions. In addition to the Bureau's standard published terms and conditions of probation, Respondent has agreed to a 30 day actual suspension and Level I (68 hours) continuing education courses. Additionally, Respondent has agreed to reimburse the Bureau for its costs in the amount of \$2000.00 within 30 days of the effective date of the decision. These terms are consistent with the Bureau's Disciplinary Guidelines for the violations alleged.

MITIGATING OR AGGRAVATING CIRCUMSTANCES

Although Respondent has previously been issued two citations by the Bureau (Citation Nos. M2012-0309 and M2011-1419), this is the first disciplinary action before the Bureau. This case is based upon one incident which occurred in 2012 and is part of a companion case involving Multiplex Car Wash dba Granvia Service Center. Complainant initially filed a Default Decision and Order against Respondent which resulted in the publication of his revocation on the Bureau's website. Respondent filed a request to have the Default set aside, which was granted. Respondent remained unemployed since that time under the belief that his license was revoked. He did not understand that once the Default Decision and Order was set aside, he could work under his license.

REASONS FOR RECOMMENDATION

Based on the evidence in this case, this stipulation provides for meaningful discipline and a fair resolution of the charges in the Accusation for the following reasons.

This case is based upon a single incident and Respondent has been cooperative in these proceedings. In addition, the stipulation provides for 68 hours of continuing education at his cost, which should help Respondent gain a better understanding of the duties and responsibilities as a smog check inspector and technician, and the payment of \$2000 in Bureau costs. Coupled with the 30-day suspension, the terms and conditions in the instant stipulation should provide the public adequate protection from future offenses and ensure that the Respondent will practice as a smog check inspector and technician responsibly.

In light of all these considerations, this office accordingly recommends that the Bureau adopt the proposed stipulation as the decision in this case.

Greg Pearson
August 20, 2015
Page 3

I hope the above information is sufficient to enable the Bureau to make a decision in this matter. If you have any questions, please do not hesitate to contact me at your earliest convenience.

Sincerely,



KIMBERLEE D. KING
Deputy Attorney General

For KAMALA D. HARRIS
Attorney General

KDK:rg

Enclosures: Proposed Stipulation and Accusation

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Attorneys for Complainant
7

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

11 In the Matter of the Accusation Against:

Case No. 79/14-14

12 MULTIPLEX CAR WASH, INC. DBA
13 GRANVIA SERVICE CENTER;
14 SHAHLA Z. SHARIFI,
15 PRESIDENT/TREASURER; MASOUD
SHARIFI, SECRETARY
16 28103 Hawthorne Blvd.
Rancho Palos Verdes, CA 90275

OAH Case No.: 2014120766

**STIPULATED SETTLEMENT AND
ORDER AS TO AHMAD REZA
HAGHSHENAS ONLY**

17 30161 Cartier Drive
Rancho Palos Verdes, CA 90275

18 Automotive Repair Dealer Registration No.
19 ARD 242284
20 Smog Check Test Only Station License No.
RC 242284

21 and

22 AHMAD REZA HAGHSHENAS
23 1437 W. Santa Cruz St.
24 San Pedro, CA 90732

25 Smog Check Inspector EO 152302 (formerly
Advanced Emission Specialist Technician EA
26 152302)
27 Smog Check Repair Technician EI 152302

28 Respondents

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

3 PARTIES

4 1. Patrick Dorais ("Complainant") is the Chief of the Bureau of Automotive Repair. He
5 brought this action solely in his official capacity and is represented in this matter by Kamala D.
6 Harris, Attorney General of the State of California, by Kimberlee D. King, Deputy Attorney
7 General.

8 2. Respondent Ahmad Reza Haghshenas ("Respondent") is representing himself in this
9 proceeding and has chosen not to exercise his right to be represented by counsel.

10 3. In 2005, the Bureau of Automotive Repair issued Advanced Emission Specialist
11 Technician EA 152302. Pursuant to California Code of Regulations, title 16, section 3340.28,
12 subdivision (e), the license was renewed, pursuant to Respondent Haghshenas' election, as Smog
13 Check Inspector License No. EO 152302 and Smog Check Repair Technician License No. EI
14 152302, effective May 30, 2013.¹

15 JURISDICTION

16 4. Accusation No. 79/14-14 was filed before the Director of Consumer Affairs
17 (Director), for the Bureau of Automotive Repair (Bureau), and is currently pending against
18 Respondent. The Accusation and all other statutorily required documents were properly served
19 on Respondent on August 15, 2013. Respondent failed to timely file his Notice of Defense
20 contesting the Accusation, and therefore, the Bureau filed a Default Decision against Respondent
21 on February 7, 2014. Respondent filed a Request to Set Aside the Default Decision, Notice of
22 Defense, and Request for Discovery on March 24, 2014. The Bureau determined that good cause
23 existed to set aside the Default Decision and issued an order setting aside the decision on April 3,
24 2014.

25
26 ¹ In 2005, the Bureau of Automotive Repair issued Advanced Emission Specialist
27 Technician EA 152302. Pursuant to California Code of Regulations, title 16, section 3340.28,
28 subdivision (e), the license was renewed, pursuant to Respondent Haghshenas' election, as Smog
Check Inspector License No. EO 152302 and Smog Check Repair Technician License No. EI
152302, effective May 30, 2013. The licenses will expire on May 31, 2015, unless renewed.

1 Director considers and acts upon it. If the Director fails to adopt this stipulation as the Decision
2 and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except
3 for this paragraph, it shall be inadmissible in any legal action between the parties, and the
4 Director shall not be disqualified from further action by having considered 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 152302 and Smog
19 Check Repair Technician License No. EI 152302 (formerly Advanced Emission Specialist
20 Technician License No. EA 152302) issued to Respondent Ahmad Reza Haghshenas
21 (Respondent) are revoked. However, the revocations are stayed and Respondent is placed on
22 probation for three (3) years on the following terms and conditions.

23 1. **Actual Suspension.** Smog Check Inspector License No. EO 152302 and Smog
24 Check Repair Technician License No. EI 152302 (formerly Advanced Emission Specialist
25 Technician License No. EA 152302), issued to Respondent Ahmad Reza Haghshenas are
26 suspended for thirty (30) days.

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

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

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

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

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

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

19 8. **Violation of Probation.** Should the Director of Consumer Affairs determine that
20 Respondent has failed to comply with the terms and conditions of probation, the Department may,
21 after giving notice and opportunity to be heard, set aside the order staying revocation of
22 Respondent's licenses and revoke the licenses.

23 9. **Continuing Education Courses.** During the period of probation, Respondent shall
24 attend and successfully complete a Bureau Certified Licensed Inspector Training Course (Level I,
25 68 hours). Said course shall be completed and proof of completion submitted to the Bureau
26 within one hundred eighty (180) days of the effective date of this decision and order. If proof of
27 completion of the course is not furnished to the Bureau within the 180-day period, Respondents'
28 licenses shall be immediately suspended until such proof is received.

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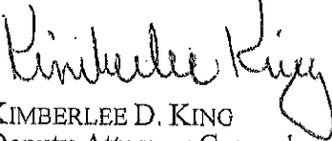
ENDORSEMENT

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

Dated: 3/30/15

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General


KIMBERLEE D. KING
Deputy Attorney General
Attorneys for Complainant

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Stipulation.rtf

Exhibit A

Accusation No. 79/14-14

1 KAMALA D. HARRIS
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8 **BEFORE THE**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

12 **MULTIPLEX CAR WASH, INC.**
13 **dba GRANVIA SERVICE CENTER;**
SHAHLA Z. SHARIFI, PRESIDENT/TREASURER
14 **MASOUD SHARIFI, SECRETARY**
28103 Hawthorne Blvd.
15 Rancho Palos Verdes, CA 90275

30161 Cartier Drive
16 Rancho Palo Verdes, CA 90275

17 **Automotive Repair Dealer Registration**
No. ARD 242284
18 **Smog Check Test Only Station License**
No. RC 242284
19

20 and

21 **AHMAD REZA HAGHSHENAS**
1437 W. Santa Cruz St.
22 San Pedro, CA 90732

23 **Smog Check Inspector EO 152302 (formerly**
24 **Advanced Emission Specialist Technician EA**
152302)

25 Respondents

26 Patrick Dorais ("Complainant") alleges:

27 ///

28 ///

Case No. *79/14-14*

OAH No. 2012100814

ACCUSATION

1 **PARTIES**

2
3 1. Complainant brings this Accusation solely in his official capacity as the Acting Chief
4 of the Bureau of Automotive Repair ("Bureau"), Department of Consumer Affairs.

5 **Automotive Repair Dealer Registration**

6 2. On or about December 15, 2005, the Bureau of Automotive Repair issued Automotive
7 Repair Dealer Registration Number ARD 242284 to Multiplex Car Wash, Inc. dba Granvia
8 Service Center; with Shahla Z. Sharifi, President/Treasurer and Masoud Sharifi, Secretary
9 ("Respondent Granvia"). The Automotive Repair Dealer Registration was in full force and effect
10 at all times relevant to the charges brought herein and will expire on November 30, 2013, unless
11 renewed.

12 **Smog Check Test Only Station License**

13 3. On or about January 12, 2006, the Bureau of Automotive Repair issued Smog Check
14 Station License Number RC 242284 ("Station License") to Respondent Granvia. The Smog
15 Check Station License was in full force and effect at all times relevant to the charges brought
16 herein and will expire on November 30, 2013, unless renewed.

17 **Advanced Emission Specialist Technician License**

18 4. In or about 2005, the Director issued Advanced Emission Specialist Technician EA
19 152302 to Ahmad Reza Haghshenas ("Respondent Haghshenas"). Respondent's Advanced
20 Emission Specialist Technician License was due to expire on May 31, 2013. Pursuant to
21 California Code of regulations, title 16, sections 3340.28, subdivision (e), the license was
22 renewed, pursuant to Respondent's election, as Smog Check Inspector License No. EO 152302,
23 effective May 31, 2013. Respondent's Smog Check Inspector License will expire on May 31,
24 2015, unless renewed.¹

25
26 ¹ Effective August 1, 2012, California Code of regulations, title 16, sections 3340.28, 3340.29,
27 and 3340.30 were amended to implement a license restructure from the Advanced Emission Specialist
28 Technician (EA) license and Basic Area (EB) Technician License to Smog Check Inspector (EO) license
and/or Smog Check Repair Technician (EI) License.

JURISDICTION

1
2
3 5. Business and Professions Code ("Bus. & Prof. Code") section 9884.7 provides that the
4 Director may revoke an automotive repair dealer registration.

5 6. Bus. & Prof. Code section 9884.13 provides, in pertinent part, that the expiration of a
6 valid registration shall not deprive the Director of jurisdiction to proceed with a disciplinary
7 proceeding against an automotive repair dealer or to render a decision temporarily or permanently
8 invalidating (suspending or revoking) a registration.

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

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

16 9. Health and Safety Code section 44072.8 states that when a license has been revoked or
17 suspended following a hearing under this article, any additional license issued under this chapter
18 in the name of the licensee may be likewise revoked or suspended by the director.

STATUTORY PROVISIONS

19
20 10. Bus. & Prof. Code section 9884.7 states, in pertinent part:

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

 (4) Any other conduct that constitutes fraud.

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

1 (c) Notwithstanding subdivision (b), the director may suspend, revoke or place
2 on probation the registration for all places of business operated in this state by an
3 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 11. Bus. & Prof. Code section 9884.9 states, in pertinent part:

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

22 12. Bus. & Prof. Code section 477, subdivision (b), states, in pertinent part, that a
23 "license" includes "registration" and "certificate."

24 13. Health and Safety Code section 44072.2 states, in pertinent part:

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

28 (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 ...

COST RECOVERY

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

///

UNDERCOVER OPERATION - APRIL 18, 2012

15. On or about April 18, 2012, an undercover operator for the Bureau of Automotive Repair drove a documented 2000 Toyota to Respondent Granvia's facility located at 28103 Hawthorne Blvd., Rancho Palos Veredes, CA and requested a smog inspection.

16. The vehicle was missing a component from the evaporative emission system, which would cause the vehicle to be incapable of passing a smog inspection.

17. The Respondents did not provide the operator with a work order to sign before beginning the smog inspection.

18. The Respondents did not provide the operator with a written estimate before beginning the smog inspection.

19. Respondent Haghshenas performed a smog inspection on the vehicle.

20. The Respondents were paid \$58.00 for the inspection and provided the operator with copy of invoice No. 7128 and a Vehicle Inspection Report ("VIR").

21. The VIR indicates that Respondents caused electronic Certificate of Compliance No. XF392277 to be issued to the vehicle.

22. On or about May 3, 2012, a representative from the Bureau re-inspected the 2000 Toyota and determined that the vehicle could not pass the required visual portion of the California ASM Smog Check because it was still missing the Evaporative Emission System that was purposefully removed by the Bureau representative on March 20, 2012.

FIRST CAUSE FOR DISCIPLINE

(Untrue and Misleading Statements)

23. Respondent Granvia has subjected its Automotive Repair Dealer Registration to discipline pursuant to Business and Professions Code section 9884.7 (a)(1), in that the Respondent made or authorized a statement which it knew, or in the exercise of reasonable care, should have known to be untrue or misleading, as follows:

a. On or about April 18, 2012, Respondent Granvia's technician, Respondent Haghshenas, certified under penalty of perjury that a 2000 Toyota described above, had passed a smog inspection and was in compliance with applicable laws and regulations. In fact, the vehicle

1 was missing a component from the evaporative emission system, which would cause the vehicle
2 to be incapable of passing a smog inspection required by Health and Safety Code section 44012.
3 Complainant refers to and by this reference incorporates the allegations set forth in paragraphs 15
4 to 22, as though set forth fully herein.

5 **SECOND CAUSE FOR DISCIPLINE**

6 **(Fraud)**

7 24. Respondent Granvia has subjected its Automotive Repair Dealer Registration to
8 discipline pursuant to Business and Professions Code section 9884.7 (a)(4), in that on or about
9 April 18, 2012, the Respondent committed an act that constitutes fraud by issuing an electronic
10 certificate of compliance to the Bureau's 2000 Toyota without ensuring that a bona fide inspection
11 was performed of the emission control devices and system, thereby depriving the People of the
12 State of California the protection afforded by the Motor Vehicle Inspection program.
13 Complainant refers to and by this reference incorporates the allegations set forth in paragraphs 15
14 to 22, as though set forth fully herein.

15 **THIRD CAUSE FOR DISCIPLINE**

16 **(Violation of the Business and Professions Code)**

17 25. Respondent Granvia has subjected its Automotive Repair Dealer Registration to
18 discipline pursuant to Business and Professions Code section 9884.7 (a)(6), in that on or about
19 April 18, 2012, the Respondent failed to comply with section 9884.9(a) of the Code, by failing to
20 ensure that the operator of the 2000 Toyota was provided with a written estimate for the smog
21 inspection. Complainant refers to and by this reference incorporates the allegations set forth in
22 paragraphs 15 to 22, as though set forth fully herein.

23 **FOURTH CAUSE FOR DISCIPLINE**

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

25 26. Respondent Granvia has subjected its Smog Check Station license to discipline
26 pursuant to Health and Safety Code section 44072.2(a), in that on or about April 18, 2012, the
27 Respondent failed to comply with the following sections of the Health and Safety Code:

28 ///

1 a. **Section 44012(f)**: Respondent failed to properly perform a visual or functional check
2 of the emission control devices specified by the department, including the missing Evaporative
3 Emission System on a 2000 Toyota, in accordance with procedures prescribed by the department.

4 b. **Section 44015**: Respondent issued electronic smog certificate of compliance
5 XF392277 to the Bureau's 2000 Toyota without ensuring that the vehicle was properly tested and
6 inspected to determine if it was in compliance with Health and Safety Code section 44012

7 c. **Section 44033(c)**: Respondent failed to provide the undercover operator with a
8 written estimate pursuant to Business and Professions Code section 9884.9.

9 **FIFTH CAUSE FOR DISCIPLINE**

10 **(Failure to Comply with Regulations Pursuant to Motor Vehicle Inspection Program)**

11 27. Respondent Granvia has subjected its Smog Check Station license to discipline
12 pursuant to Health and Safety Code section 44072.2(c), in that on or about April 18, 2012,
13 Respondent failed to comply with provisions of the California Code of Regulations, title 16, as
14 follows:

15 a. **Section 3340.24(c)**: Respondent falsely or fraudulently issued electronic certificate of
16 compliance XF392277 to the Bureau's 2000 Toyota without performing a bona fide inspection of
17 the emission control devices and systems on the vehicle as required by Health and Safety Code
18 section 44012.

19 b. **Section 3340.35(c)**: Respondent issued electronic certificate of compliance
20 XF392277 to the Bureau's 2000 Toyota even though the vehicle had not been properly inspected
21 in accordance with California Code of Regulations, title 16, section 3340.42.

22 c. **Section 3340.42**: Respondent failed to properly conduct the required smog tests and
23 inspection on the Bureau's 2000 Toyota in accordance with the Bureau's specifications.

24 ///

25 ///

26 ///

27 ///

28 ///

1 Regulations, title 16, section 3340.42.

2 b. **Section 3340.42:** Respondent failed to conduct the required smog tests on the
3 Bureau's 2000 Toyota in accordance with the Bureau's specifications.

4 **NINTH CAUSE FOR DISCIPLINE**

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

6 31. Respondent Haghshenas' inspector license is subject to disciplinary action pursuant to
7 Health and Safety Code section 44072.2(d), in that on or about April 18, 2012, Respondent
8 committed a dishonest, fraudulent, or deceitful act whereby another is injured by issuing
9 electronic smog certificate of compliance XF392277 for the Bureau's 2000 Toyota without
10 performing a bona fide inspection of the emission control devices and systems on the vehicle,
11 thereby depriving the People of the State of California of the protection afforded by the Motor
12 Vehicle Inspection Program. Complainant refers to and by this reference incorporates the
13 allegations set forth in paragraphs 15 to 22, as though set forth fully herein.

14 **OTHER MATTERS**

15 32. Pursuant to Business & Professions Code section 9884.7, subdivision (c), the Director
16 may suspend, revoke or place on probation the registration for all places of business operated in
17 this state by Respondent Multiplex Car Wash, Inc., doing business as Granvia Service Center,
18 upon a finding that Respondent has, or is, engaged in a course of repeated and willful violations
19 of the laws and regulations pertaining to an automotive repair dealer.

20 33. Pursuant to Health and Safety Code section 44072.8, if Smog Check Station License
21 Number RC 242284, issued to Respondent Multiplex Car Wash, Inc., doing business as Granvia
22 Service Center, is revoked or suspended, any additional license issued under this chapter in the
23 name of said licensee may be likewise revoked or suspended by the Director.

24 34. Pursuant to Health and Safety Code section 44072.8, if Smog Inspector License
25 Number EO152302 (formerly Advanced Emission Specialist Technician EA 152302), issued to
26 Respondent Ahmad Reza Haghshenas, is revoked or suspended, any additional license issued
27 under this chapter in the name of said licensee may be likewise revoked or suspended by the
28 Director.

1 PRAYER

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

4 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
5 242284, issued to Multiplex Car Wash, Inc. dba Granvia Service Center; Shahla Z. Sharifi,
6 President;

7 2. Revoking or suspending any other Automotive Repair Dealer Registration issued to
8 Multiplex Car Wash, Inc. or Shahla Z. Sharifi.

9 3. Revoking or suspending Smog Check Station License Number RC 242284, issued to
10 Multiplex Car Wash, Inc. dba Granvia Service Center; Shahla Z. Sharifi, President;

11 4. Revoking or suspending any other Smog Check Station License issued to Multiplex
12 Car Wash, Inc. or Shahla Z. Sharifi;

13 5. Revoking or suspending Smog Check Inspector License EO 152302 issued to Ahmad
14 Reza Haghshenas;

15 6. Revoking or suspending any additional license issued under Chapter 5 of the Health
16 and Safety Code in the name of Ahmad Reza Haghshenas;

17 7. Ordering Respondent Granvia and Respondent Haghshenas to pay the Bureau of
18 Automotive Repair the reasonable costs of the investigation and enforcement of this case,
19 pursuant to Business and Professions Code section 125.3;

20 8. Taking such other and further action as deemed necessary and proper.

21
22 DATED: August 8, 2013

Patrick Dorais
23 PATRICK DORAIS
24 Acting Chief
25 Bureau of Automotive Repair
26 Department of Consumer Affairs
27 State of California
28 Complainant

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