

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

In the Matter of the Accusation Against:

**BASIC AUTO REPAIR**

810 E. Holt Blvd.

Ontario, CA 91761

**HENOK GETAHUN, OWNER**

Automotive Repair Dealer Registration No.

ARD 187166

Smog Check Station License No. RC

187166

Brake Station License No. BS 187166

Lamp Station License No. LS 187166

and

**HENOK GETAHUN**

P.O. Box 4621

Ontario, CA 91761

Smog Check Inspector EO 041755

Smog Check Repair Technician EI 041755

(formerly Advanced Emission Specialist

Technician License No. EA 041755)

Respondent.

Case No. 79/15-53

OAH No. 2015080981

**DECISION**

The attached Stipulated Settlement and Disciplinary Order is hereby accepted and adopted as the Decision of the Director of the Department of Consumer Affairs in the above-entitled matter.

This Decision shall become effective June 24, 2016.

DATED: May 30, 2016

  
\_\_\_\_\_  
TAMARA COLSON  
Assistant General Counsel  
Department of Consumer Affairs

1 KAMALA D. HARRIS  
Attorney General of California  
2 THOMAS L. RINALDI  
Supervising Deputy Attorney General  
3 DESIREE TULLENERS  
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*Attorneys for Complainant*  
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8 **BEFORE THE**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:  
13 **BASIC AUTO REPAIR**  
810 E. Holt Blvd.  
Ontario, CA 91761  
14 **HENOK GETAHUN, OWNER**  
Automotive Repair Dealer Registration No.  
15 **ARD 187166**  
Smog Check Station License No. **RC 187166**  
16 Brake Station License No. **BS 187166**  
Lamp Station License No. **LS 187166**  
17  
18 **and**  
19 **HENOK GETAHUN**  
P.O. Box 4621  
Ontario, CA 91761  
20 **Smog Check Inspector EO 041755**  
**Smog Check Repair Technician EI 041755**  
21 (formerly Advanced Emission Specialist  
Technician License No. EA 041755)  
22  
23 Respondent.

Case No. 79/15-53

OAH No. 2015080981

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

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

26 PARTIES

27 1. Patrick Dorais ("Complainant") is the Chief of the Bureau of Automotive Repair. He  
28 brought this action solely in his official capacity and is represented in this matter by Kamala D.

1 Harris, Attorney General of the State of California, by Desiree Tulleners, Deputy Attorney  
2 General.

3 2. Respondent Henok Getahun, dba Basic Auto Repair ("Respondent") is represented in  
4 this proceeding by attorney Michael B. Levin, whose address is: Michael B. Levin, Esq., 3727  
5 Camino del Rio South, Suite 200, San Diego, CA 92108.

6 3. Automotive Repair Dealer Registration No. ARD 187166

7 In 1996, the Bureau of Automotive Repair issued Automotive Repair Dealer  
8 Registration Number ARD 187166 to Henok Getahun, doing business as Basic Auto Repair  
9 (Respondent). The Automotive Repair Dealer Registration was in full force and effect at all  
10 times relevant to the charges brought herein, and will expire on January 31, 2017, unless renewed.

11 4. Smog Check Station License No. RC 187166

12 On or about February 8, 1996, the Bureau of Automotive Repair issued Smog Check  
13 Station License Number RC 187166 to Respondent. The Smog Check Station License was in full  
14 force and effect at all times relevant to the charges brought herein, and will expire on January 31,  
15 2017, unless renewed.

16 5. Brake Station License No. BS 187166

17 On or about August 6, 2007, the Bureau of Automotive Repair issued Brake Station  
18 License Number BS 187166 to Respondent. The Brake Station License was in full force and  
19 effect at all times relevant to the charges brought herein, and will expire on January 31, 2017,  
20 unless renewed.

21 6. Lamp Station License No. LS 187166

22 On or about August 6, 2007, the Bureau of Automotive Repair issued Lamp Station  
23 License Number LS 187166 to Respondent. The Lamp Station License was in full force and  
24 effect at all times relevant to the charges brought herein, and will expire on January 31, 2017,  
25 unless renewed.

26 7. Smog Check Inspector License No. EO 041755

27 In 1996, the Bureau of Automotive Repair issued Advanced Emission Specialist  
28 Technician License EA 041755 to Respondent. Effective August 10, 2012, the license was

1 renewed, pursuant to Respondent's election, as Smog Check Inspector License No. EO 041755.  
2 The Smog Check Inspector License was in full force and effect at all times relevant to the charges  
3 brought herein, and will expire on August 31, 2016, unless renewed.

4 8. Smog Check Repair Technician License No. EI 041755

5 In 1996, the Bureau of Automotive Repair issued Advanced Emission Specialist  
6 Technician License EA 041755 to Respondent. Effective August 10, 2012, the license was  
7 renewed, pursuant to Respondent's election, as Smog Check Repair Technician License No. EI  
8 041755. The Smog Check Repair Technician License was in full force and effect at all times  
9 relevant to the charges brought herein, and will expire on August 31, 2016, unless renewed.

10 JURISDICTION

11 9. Accusation No. 79/15-53 was filed before the Director of Consumer Affairs  
12 (Director), for the Bureau of Automotive Repair (Bureau), and is currently pending against  
13 Respondent. The Accusation and all other statutorily required documents were properly served  
14 on Respondent on October 13, 2014. Respondent timely filed his Notice of Defense contesting  
15 the Accusation.

16 10. A copy of Accusation No. 79/15-53 is attached as Exhibit A, and incorporated herein  
17 by reference.

18 ADVISEMENT AND WAIVERS

19 11. Respondent has carefully read, fully discussed with counsel, and understands the  
20 charges and allegations in Accusation No. 79/15-53. Respondent has also carefully read, fully  
21 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary  
22 Order.

23 12. Respondent is fully aware of his legal rights in this matter, including the right to a  
24 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at  
25 his own expense; the right to confront and cross-examine the witnesses against him; the right to  
26 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel  
27 the attendance of witnesses and the production of documents; the right to reconsideration and  
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1 court review of an adverse decision; and all other rights accorded by the California  
2 Administrative Procedure Act and other applicable laws.

3 13. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
4 every right set forth above.

5 CULPABILITY

6 14. Respondent admits the truth of each and every charge and allegation in Accusation  
7 No. 79/15-53.

8 15. Respondent agrees that his Automotive Repair Dealer Registration No. ARD 187166,  
9 Smog Check Station License No. RC 187166, Smog Check Inspector License No. EO 041755,  
10 and Smog Check Repair Technician License No. EI 041755 are subject to discipline, and he  
11 agrees to be bound by the Director's probationary terms as set forth in the Disciplinary Order  
12 below.

13 CONTINGENCY

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

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

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1 in any other business required to be registered pursuant to Section 9884.6 of the Business and  
2 Professions Code.

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

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

9       7.   **Violation of Probation.** Should the Director of Consumer Affairs determine that  
10 Respondent has failed to comply with the terms and conditions of probation, the Department may,  
11 after giving notice and opportunity to be heard revoke the registration and licenses.

12       8.   **False and Misleading Advertising.** If the Accusation involves false and misleading  
13 advertising, during the period of probation, Respondent shall submit any proposed advertising  
14 copy, whether revised or new, to the Bureau at least thirty (30) days prior to its use.

15       9.   **Continuing Education Courses.** During the period of probation, Respondent shall  
16 attend and successfully complete a Bureau certified 72 hour training course in diagnosis and  
17 repair of emission systems failures and engine performance, applicable to the class of license held  
18 by the Respondent. Said course shall be completed and proof of completion submitted to the  
19 Bureau within 180 days of the effective date of this decision and order. If proof of completion of  
20 the course is not furnished to the Bureau within the 180-day period, Respondents' license shall be  
21 immediately suspended until such proof is received.

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

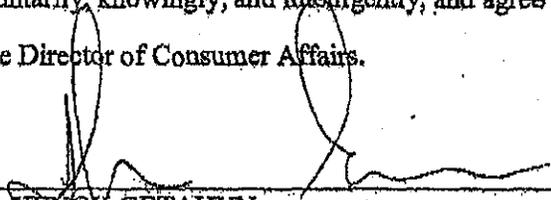
27       11. **Cost Recovery.** Payment to the Bureau of the full amount of cost recovery in the  
28 amount of \$7,132.44. The Respondent will make 24 equal monthly installments, beginning 30

1 days from the effective date, and that final payment must be received no later than 12 months  
2 prior to probation terminating. Failure to complete payment of cost recovery within this time  
3 frame shall constitute a violation of probation which may subject Respondent's registration and  
4 licenses to outright revocation; however, the Director, or the Director's Bureau of Automotive  
5 Repair designee, may elect to continue probation until such time as reimbursement of the entire  
6 cost recovery amount has been made to the Bureau.

7 ACCEPTANCE

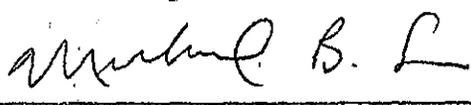
8 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
9 discussed it with my attorney, Michael B. Levin, Esq. I understand the stipulation and the effect  
10 it will have on my Automotive Repair Dealer Registration, Smog Check Station License, Smog  
11 Check Inspector License, and Smog Check Repair Technician. I enter into this Stipulated  
12 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be  
13 bound by the Decision and Order of the Director of Consumer Affairs.

14  
15 DATED: 1/29/2016

  
HENOK GETAHUN  
dba BASIC AUTO REPAIR  
Respondent

16  
17  
18 I have read and fully discussed with Respondent Henok Getahun, dba Basic Auto Repair  
19 the terms and conditions and other matters contained in the above Stipulated Settlement and  
20 Disciplinary Order. I approve its form and content.

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22 DATED: 1/29/16

  
MICHAEL B. LEVIN  
Attorney for Respondent

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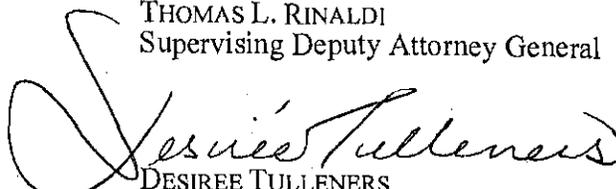
ENDORSEMENT

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

Dated: *January 29, 2016*

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
THOMAS L. RINALDI  
Supervising Deputy Attorney General

  
DESIREE TULLENERS  
Deputy Attorney General  
*Attorneys for Complainant*

**EXHIBIT A**

**Accusation Case No. 79/15-53**

1 KAMALA D. HARRIS  
Attorney General of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
3 DESIREE TULLENERS  
Deputy Attorney General  
4 State Bar No. 157464  
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*Attorneys for Complainant*  
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8 **BEFORE THE**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
9 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**  
**STATE OF CALIFORNIA**

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In the Matter of the Accusation Against:  
**BASIC AUTO REPAIR**  
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Automotive Repair Dealer Registration No.  
ARD 187166  
Smog Check Station License No. RC 187166  
Brake Station License No. BS 187166  
Lamp Station License No. LS 187166  
  
and  
  
**HENOK GETAHUN**  
P.O. Box 4621  
Ontario, CA 91761  
Smog Check Inspector EO 041755;  
Smog Check Repair Technician EI 041755  
(formerly Advanced Emission Specialist  
Technician License No. EA 041755)  
  
Respondent.

Case No. 79/15-53  
**ACCUSATION**  
smog check

Complainant alleges:

**PARTIES**

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

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1    ///

2    **Automotive Repair Dealer Registration No. ARD 187166**

3           2.    In 1996, the Bureau of Automotive Repair issued Automotive Repair Dealer  
4    Registration Number ARD 187166 (registration) to Henok Getahun, doing business as Basic Auto  
5    Repair (Respondent). The Automotive Repair Dealer Registration was in full force and effect at  
6    all times relevant to the charges brought herein, and will expire on January 31, 2015, unless  
7    renewed.

8    **Smog Check Station License No. RC 187166**

9           3.    On or about February 8, 1996, the Bureau of Automotive Repair issued Smog Check  
10   Station License Number RC 187166 (station license) to Respondent. The Smog Check Station  
11   License was in full force and effect at all times relevant to the charges brought herein, and will  
12   expire on January 31, 2015, unless renewed.

13   **Brake Station License No. BS 187166**

14           4.    On or about August 6, 2007, the Bureau of Automotive Repair issued Brake Station  
15   License Number BS 187166 to Respondent. The Brake Station License was in full force and  
16   effect at all times relevant to the charges brought herein, and will expire on January 31, 2015,  
17   unless renewed.

18   **Lamp Station License No. LS 187166**

19           5.    On or about August 6, 2007, the Bureau of Automotive Repair issued Lamp Station  
20   License Number BS 187166 to Respondent. The Lamp Station License was in full force and  
21   effect at all times relevant to the charges brought herein, and will expire on January 31, 2015,  
22   unless renewed.

23   **Smog Check Inspector License No. EO 041755**

24           6.    In 1996, the Bureau of Automotive Repair issued Advanced Emission Specialist  
25   Technician License EA 041755<sup>1</sup> to Respondent. Effective August 10, 2012, the license was

26           <sup>1</sup> 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.

1 renewed, pursuant to Respondent's election, as Smog Check Inspector License No. EO 041755.  
2 The Smog Check Inspector License was in full force and effect at all times relevant to the charges  
3 brought herein, and will expire on August 31, 2016, unless renewed.

4 **Smog Check Repair Technician License No. EI 041755**

5 7. In 1996, the Bureau of Automotive Repair issued Advanced Emission Specialist  
6 Technician License EA 041755 to Respondent. Effective August 10, 2012, the license was  
7 renewed, pursuant to Respondent's election, as Smog Check Repair Technician License No. EI  
8 041755. The Smog Check Repair Technician License was in full force and effect at all times  
9 relevant to the charges brought herein, and will expire on August 31, 2016, unless renewed.

10 **JURISDICTION**

11 8. This Accusation is brought before the Director of Consumer Affairs (Director) for the  
12 Bureau of Automotive Repair.

13 9. Section 9884.7 of the Business and Professions Code ("Code") provides that the  
14 Director may revoke an automotive repair dealer registration.

15 10. Section 9884.13 of the Code provides, in pertinent part, that the expiration of a valid  
16 registration shall not deprive the Director of jurisdiction to proceed with a disciplinary proceeding  
17 against an automotive repair dealer or to render a decision invalidating a registration temporarily  
18 or permanently.

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

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

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13. Section 44072.8 of the Health and Safety Code 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.”

STATUTORY PROVISIONS

14. Section 9884.7 of the Code states, in pertinent part:

“(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 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.

(2) Causing or allowing a customer to sign any work order that does not state the repairs requested by the customer or the automobile’s odometer reading at the time of repair.

...

(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.”

15. Section 44012 of the Health and Safety Code states, in pertinent part:

“The test at the smog check stations shall be performed in accordance with procedures prescribed by the department . . . . The department shall ensure, as appropriate to the test method, the following:

...

(e) For diesel-powered vehicles, a visual inspection is made of emission control devices and the vehicle’s exhaust emissions are tested in accordance with procedures prescribed by the department, that may include, but are not limited to, onboard diagnostic testing.

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

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16. Section 44015 of the Health and Safety Code states, in pertinent part:

“(a) A licensed smog check station shall not issue a certificate of compliance, except as authorized by this chapter, to any vehicle that meets the following criteria:

(1) A vehicle that has been tampered with.

....

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

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

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

(a) Violates any section of this chapter 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.

....

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

REGULATORY PROVISIONS

18. California Code of Regulations, title 16, section 3340.24 states, in pertinent part:

“(c) The bureau may suspend or revoke the license of or pursue other legal action against a licensee, if the licensee falsely or fraudulently issues or obtains a certificate of compliance or a certificate of noncompliance.”

19. California Code of Regulations, title 16, section 3340.35 states, in pertinent part:

“(c) 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 this article and has all the required emission control equipment and devices functioning correctly.”

20. California Code of Regulations, title 16, section 3340.42 states, in pertinent part:

“(b) In addition to subsection (a), all vehicles subject to the smog check program shall receive the following:

(1) A visual inspection of emission control components and systems to verify the vehicle’s emission control systems are properly installed.

1 (2) A functional inspection of emission control systems as specified in the  
2 Smog Check Manual, referenced by section 3340.45, which may include an OBD [On  
3 Board Diagnostics] test, to verify their proper operation.”

4 **COST RECOVERY**

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

9 **UNDERCOVER OPERATION – FEBRUARY 6, 2014**

10 22. On or about February 6, 2014, a Bureau undercover operator (“operator”) drove a  
11 Bureau-documented 2008 Ford (“Ford”) to Basic Auto Repair, located in Ontario, California. The  
12 operator requested a smog check. The Ford could not pass a smog check because the Diesel  
13 Particulate Filter (DPF) had been removed; however, a technician at Basic Auto Repair  
14 performed the inspection and issued Certificate of Compliance [REDACTED]. The operator  
15 paid \$50.00 for the inspection and received a copy of Invoice [REDACTED], and the Vehicle  
16 Inspection Report (“VIR”).

17 **FIRST CAUSE FOR DISCIPLINE**

18 *(Untrue or Misleading Statements)*

19 23. Respondent's registration and station license are subject to discipline pursuant to  
20 Code section 9884.7, subdivision (a)(1), in that, on or about February 6, 2014, Respondent made  
21 or authorized statements which were untrue or misleading, and which he knew or, by the exercise  
22 of reasonable care should have known were untrue or misleading. Respondent issued Certificate  
23 of Compliance [REDACTED] for the Ford, certifying that the Ford was in compliance with  
24 applicable laws and regulations. In fact, the vehicle's DPF was missing and could not have passed  
25 the visual portion of the smog inspection required by Health and Safety Code section 44012.

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1 SECOND CAUSE FOR DISCIPLINE

2 *(Not Stating Odometer Reading)*

3 24. Respondent's registration and station license are subject to discipline pursuant to  
4 Code section 9884.7, subdivision, (a)(2), in that, on or about February 6, 2014, he failed to record  
5 the odometer reading on the estimate given to the operator.

6 THIRD CAUSE FOR DISCIPLINE

7 *(Failure to Comply with the Motor Vehicle Inspection Program)*

8 25. Respondent's registration and station license are subject to discipline pursuant to  
9 Health and Safety Code section 44072.2(a) and (h) in that, on or about February, 6 2014,  
10 Respondent failed to comply with the following sections of that Code:

11 a. Section 44012, subdivisions (e) and (f): Respondent failed to ensure that the emission  
12 control tests were performed on a vehicle, in accordance with procedures prescribed by the  
13 department.

14 b. Section 44015, subdivisions (a)(1) and (b): Respondent issued certificates of  
15 compliance for a vehicle, without ensuring that it was properly tested and inspected to determine  
16 if it was in compliance with Health and Safety Code section 44012.

17 FOURTH CAUSE FOR DISCIPLINE

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

19 26. Respondent's registration and station license are subject to discipline pursuant to  
20 Health and Safety Code section 44072.2(c) and Code section 9884.7, subdivision (a)(6), in that,  
21 on or about February 6, 2014, Respondent failed to comply with provisions of California Code of  
22 Regulations, title 16, as follows:

23 a. Section 3340.24, subdivision (c): Respondent falsely or fraudulently issued a certificate  
24 of compliance to a vehicle that could not pass the visual portion of the smog inspection required  
25 by Health and Safety Code section 44012.

26 b. Section 3340.35, subdivision (c): Respondent issued a certificate of compliance even  
27 though the vehicle had not been inspected in accordance with section 3340.42 of the Code.

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1 c. Section 3340.42, subdivision (b); Respondent failed to conduct the required smog tests  
2 and inspections on the vehicle in accordance with the Bureau's specifications.

3 **PRIOR CITATIONS**

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

6 28. On or about May 20, 1997, the Bureau issued Citation No. C1997-0403 against  
7 Respondent for violating Health and Safety Code section 44012, subdivision (f) (failure to  
8 determine that emission control devices and systems required by State and Federal law are  
9 installed and functioning correctly in accordance with best procedures), and California Code of  
10 Regulations, title 16, section 3340.35, subdivision (c) (issuing a certificate of compliance to a  
11 vehicle that was improperly tested), for issuing a certificate of compliance to a Bureau undercover  
12 vehicle with a tampered emission control system that is a non functioning exhaust gas  
13 recirculation system. The Bureau assessed civil penalties totaling \$250.00 against Respondent for  
14 the violations. Respondent complied with this citation on June 12, 1997.

15 29. On or about February 17, 2010, the Bureau issued Citation No. C2010-0837 against  
16 Respondent for violating Health and Safety Code section 44012, subdivision (f) (failure to  
17 determine that emission control devices and systems required by State and Federal law are  
18 installed and functioning correctly in accordance with test procedures), and California Code of  
19 regulations, title 16, section 3340.35, subdivision (c) (issuing a Certificate of Compliance to a  
20 vehicle that was improperly tested), for issuing a certificate of compliance to a Bureau undercover  
21 vehicle with the ignition timing adjusted beyond specifications, and for failure to perform the low  
22 pressure fuel evaporative test and the gas cap test. The Bureau assessed a civil penalty of  
23 \$1,000.00. Respondent complied with this citation on March 25, 2010.

24 30. On or about November 17, 2010, the Bureau issued Citation No. C2011-0635 against  
25 Respondent for violating Health and Safety Code section 44012, subdivision (f), (failure to  
26 determine that emission control devices and systems required by State and Federal law are  
27 installed and functioning correctly in accordance with test procedures), and California Code of  
28 Regulations, title 16, section 3340.35, subdivision (c) (issuing a certificate of compliance to a

1 vehicle that was improperly tested), for issuing a certificate of compliance to a Bureau undercover  
2 vehicle with ignition timing adjusted beyond specifications. The Bureau assessed a civil penalty  
3 of \$1,500.00. This citation was appealed on December 20, 2010, and was complied with on  
4 November 15, 2011.

5 31. On or about October 3, 2011, the Bureau issued Citation No. C2012-0246 against  
6 Respondent for violating Health and Safety Code section 44012, subdivision (f) (failure to  
7 perform a visual/functional check of emission control devices according to procedures prescribed  
8 by the department), for issuing a certificate of compliance to a Bureau undercover vehicle with a  
9 missing Pulse Air Injection System. The Bureau assessed a civil penalty of \$1,500.00 against  
10 Respondent for the violation. Respondent complied with this citation on November 15, 2011.

#### 11 OTHER MATTERS

12 32. Pursuant to Code section 9884.7(c), the director may suspend, revoke, or place on  
13 probation the registrations for all places of business operated in this state by Respondent, upon a  
14 finding that he has, or is, engaged in a course of repeated and willful violation of the laws and  
15 regulations pertaining to an automotive repair dealer.

16 33. Pursuant to Health and Safety Code section 44072.8, if Smog Check Station License  
17 No. RC 187166, issued to Henok Getahun, doing business as Basic Auto Repair, is revoked or  
18 suspended, any additional license issued under this chapter in this name may be likewise revoked  
19 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 or suspending Automotive Repair Dealer Registration No. ARD 187166,  
24 issued to Henok Getahun, doing business as Basic Auto Repair;

25 2. Revoking or suspending any other automotive repair dealer registration issued to  
26 Henok Getahun;

27 3. Revoking or suspending Smog Check Station License No. RC 187166, issued to  
28 Henok Getahun, doing business as Basic Auto Repair;

- 1           4.    Revoking or suspending Brake Station License No. BS 187166, issued to Henok  
2   Getahun, doing business as Basic Auto Repair;
- 3           5.    Revoking or suspending Lamp Station License No. BS 187166, issued to Henok  
4   Getahun, doing business as Basic Auto Repair;
- 5           6.    Revoking or suspending Smog Check Inspector License No. EO 041755, issued to  
6   Henok Getahun;
- 7           7.    Revoking or suspending Smog Check Repair Technician License No. EI 041755,  
8   issued to Henok Getahun;
- 9           8.    Revoking or suspending any additional license issued under Chapter 5 of the Health  
10   and Safety Code in the name of Henok Getahun;
- 11          9.    Ordering Henok Getahun to pay the Director of Consumer Affairs the reasonable  
12   costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,
- 13          10.   Taking such other and further action as deemed necessary and proper.

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DATED: October 7, 2014

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

Accusation  
RU:8/9/14