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7

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

12 In the Matter of the Accusation Against:

Case No. 79/18-2754

13 **JAY DANGOURIAN, OWNER**
14 **DBA JAYS AUTOMOTIVE**

A C C U S A T I O N

14 305 N. Broadway
Santa Maria, CA 93454

15 Automotive Repair Dealer Registration No.
16 ARD 193266
Smog Check Station License No. RC 193266,

17 **and**

18 **MARTIN TOVAR CASTILLO**

19 132 Pelican Lane
Guadalupe, CA 93434

20 Smog Check Inspector License No. EO 146703
21 Smog Check Repair Technician License No. EI
146703

22 OTHER RELATED LICENSES

23 **JAY DANGOURIAN**

24 1420 Solomon Rd.
Santa Maria, CA 93455

25 Smog Check Inspector License No. EO 15023
26 Smog Check Repair Technician License No. EI
15023,

27 Respondents.
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1 Complainant alleges:

2 **PARTIES**

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

5 2.oo In 1997, the Bureau of Automotive Repair (Bureau) issued Automotive Repair Dealer
6 Registration Number ARD 193266 to Jay Dangourian dba Jays Automotive (Respondent Jays
7 Automotive). The Automotive Repair Dealer Registration was in full force and effect at all times
8 relevant to the charges brought herein and will expire on February 29, 2020, unless renewed.

9 3.oo On or about April 18, 1997, the Bureau issued Smog Check Station License Number
10 RC 193266 to Respondent Jays Automotive. The Smog Check Station License was in full force
11 and effect at all times relevant to the charges brought herein and will expire on February 29,
12 2020, unless renewed.

13 4.oo In 1997, the Bureau issued Basic Area Technician License EB 15023 to Jay
14 Dangourian (Respondent Dangourian), under SB 1997, the biennial Smog Check Program
15 implemented January 1, 1990. License number EB 15023 was due to expire on July 31, 2013,
16 however, was cancelled on April 26, 2013.

17 5.oo In 1997, the Bureau issued Smog Check Inspector License Number EO 15023 to
18 Respondent Dangourian. The Smog Check Inspector License was in full force and effect at all
19 times relevant to the charges brought herein and will expire on July 31, 2019, unless renewed.

20 6. In 1997, the Bureau issued Smog Check Repair Technician License Number EI
21 15023 to Respondent Dangourian. The Smog Check Repair Technician License was in full force
22 and effect at all times relevant to the charges brought herein and will expire on July 31, 2019,
23 unless renewed.

24 7.oo In 2003, the Bureau issued Advanced Emission Specialist License No. EA 146703 to
25 Martin Tovar Castillo (Respondent Castillo). Said license was renewed pursuant to Respondent
26 Castillo's election as Smog Check Inspector (EO) License No. 146703, effective February 6,
27 2013, and Smog Check Repair Technician (EI) License No. 146703, effective February 12,
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1 2013.¹ The Smog Check Inspector license was in full force and effect at all times relevant to the
2 charges brought herein, and will expire on January 31, 2021, unless renewed. The Smog Check
3 Repair Technician License expired on January 31, 2015, and has not been renewed.

4 JURISDICTION

5 8.00 This Accusation is brought before the Director of the Department of Consumer
6 Affairs (Director) for the Bureau, under the authority of the following laws.

7 9.00 Business and Professions Code ("Bus. & Prof. Code") section 9884.13 provides, in
8 pertinent part, that the expiration of a valid registration shall not deprive the Director of
9 jurisdiction to proceed with a disciplinary proceeding against an automotive repair dealer or to
10 render a decision temporarily or permanently invalidating (suspending or revoking) a registration.

11 10.00 Health and Safety Code ("Health & Saf. Code") section 44002 provides, in pertinent
12 part, that the Director has all the powers and authority granted under the Automotive Repair Act
13 for enforcing the Motor Vehicle Inspection Program.

14 11.00 Health & Saf. Code section 44072.6 provides, in pertinent part, that the expiration or
15 suspension of a license by operation of law, or by order or decision of the Director of Consumer
16 Affairs, or a court of law, or the voluntary surrender of the license shall not deprive the Director
17 of jurisdiction to proceed with disciplinary action.

18 STATUTORY PROVISIONS

19 12.00 Bus. & Prof. Code section 9884.7 states, in pertinent part:
20

21 (a) The director, where the automotive repair dealer cannot show there
22 was a bona fide error, may refuse to validate, or may invalidate temporarily or
23 permanently, the registration of an automotive repair dealer for any of the following
24 acts or omissions related to the conduct of the business of the automotive repair
25 dealer, which are done by the automotive repair dealer or any automotive technician,
26 employee, partner, officer, or member of the automotive repair dealer.

27 (1) Making or authorizing in any manner or by any means whatever any
28 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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¹ Pursuant to California Code of Regulations, title 16 section 3340.28, subdivision (e).

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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 or regulations adopted pursuant to it.

....

(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.

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

14.00 Section 44012 of the Health & Saf. Code provides, in pertinent part, that tests at smog check stations shall be performed in accordance with procedures prescribed by the department.

15.00 Section 44015, subdivision (b), of the Health & Saf. Code provides that a certificate of compliance shall be issued if a vehicle meets the requirements of Health & Saf. Code section 40012.

16.00 Health & Saf. Code section 44072.2 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, or any partner, officer, or director thereof, does any of the following:

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

....

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

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

17.00 Health & Saf. Code section 44072.10 states, in pertinent part:

....

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

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

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6 18. Health & Saf. Code section 44072.8 states that 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.

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9 **REGULATORY PROVISIONS**

10 19. California Code of Regulations (“CCR”), title 16, section 3340.24, subdivision (c), states:

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12 “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.”

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15 20. CCR, title 16, section 3340.30, subdivision (a), states that a licensed smog technician shall at all times “[i]nspect, test and repair vehicles, as applicable, in accordance with section 44012 of the Health & Saf. Code, section 44035 of the Health & Saf. Code, and section 3340.42 of this article.”

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19 21. CCR, title 16, section 3340.35, subdivision (c), states that a licensed smog check 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 installed and functioning correctly.”

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24 22. CCR, title 16, section 3340.41, subdivision (c), states that “[n]o 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.”

1 23. ee CCR, title 16, section 3340.42, sets forth specific emissions test methods and ee
2 procedures which apply to all vehicles inspected in the State of California.

3 **COST RECOVERY**

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

8 **STATEMENT OF FACTS**

9 25. ee On March 9, 2015, the Bureau implemented a statewide regulatory change requiring ee
e10 the use of an On-Board Diagnostic Inspection System (OIS) in testing of 2000 model year and ee
11 newer gas powered vehicles 14,000 Gross Vehicle Weight Rating (GVW) and under, and 1998
12 and newer diesel powered vehicles 14,000 GVW and under. The OIS Bureau Test Data lists
13 differences in Vehicle Identification Numbers (VIN) for vehicles that have received smog
14 inspections, in addition to communication protocol (the language used to communicate) and
15 Parameter ID (PID) differences with vehicles that have been certified correctly that are the same
16 make and model vehicles.

17 26. ee A Bureau representative initiated an investigation and reviewed OIS test data foree
18 Respondent Jays Automotive. The investigation revealed that the data related to certain vehicles
19 certified by Respondent Jays Automotive contained a pattern of unmistakable discrepancies
20 between the information transmitted during the inspections and documented information known
21 about the subject vehicles. Specifically, a comparison of the data received from the certified
22 vehicles to data from vehicles of the same year, make, and model and/or prior transmitted
e23 inspections for the same certified vehicle determined that the data from at least five (5) of threee
24 certified vehicles contained the following unmistakable discrepancies: (1) incorrect vehicle
25 communication protocols and (2) incorrect PID counts. Also, no eVINS (digitally stored VIN
26 number in the vehicle's Power Control Module and identified by the OIS) were transmitted
27 including on three (3) occasions where eVINS were expected to be transmitted. These
28

1 documented discrepancies confirm that the vehicles were fraudulently tested during the smog
2 inspection using the "clean plugging" method.^{2ee}

3 27.ee Moreover, the OIS test data showed that Smog Check Technician Respondentee
4 Castillo performed all five (5) of the fraudulent smog check inspections.

5 28.ee The following chart illustrates the documented clean plugging activities of ee
6 Respondents Jays Automotive and Castillo between September 5, 2017 and January 31, 2018:

7

8 **Table**

9	Test Date	Vehicle & License No.	Certificate No.	Fraudulent Passing Inspection Data	Expected OBDII Value
10	1 9/5/17	2001 Chrysler Town & Country Limited ³ 4VKD412	HF197251C	eVIN: Not Reported	eVIN: Not Expected
11				Comm. Protocol: 1914	Comm. Protocol: JVPW
12				PID Count: 15 3	PID Count: 17 3
13	2 9/13/17	2002 Saturn SC2 ⁴ N	HF482301C	eVIN: Not Reported	eVIN: 1G8ZY12732Z141508
14				Comm. Protocol: 1914	Comm. Protocol: JVPW
15				PID Count: 16	PID Count: 17
16	3 11/3/17	2001 Dodge Neon SE ⁵	HH937166C	eVIN: Not Reported	eVIN: Not Expected

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21 ² "Clean plugging" refers to the use of another vehicle's properly functioning On Board
22ee Diagnostic, generation II, (OBD II) system, or another source, to generate passing diagnostic readings for
23ee the purpose of issuing fraudulent smog Certificates of Compliance to vehicles that are not in smog
compliance and/or not present for testing.

24ee ³ This vehicle was previously tested at another station on December 24, 2016. At that time, the
OIS Test Data for this vehicle showed all of the following results which were consistent with what was
25 expected: (1) eVIN was not transmitted; (2) the communication protocol reported as JVPW; and (3) PID
count was 17|3. The vehicle failed the inspection as "Not ready" with incomplete monitors.

26 ⁴ This vehicle was previously tested at another station on September 12, 2016. At that time, the
OIS Test Data for this vehicle showed all of the following results which were consistent with what was
27 expected: (1) eVIN was transmitted as 1G8ZY12732Z141508; (2) the communication protocol reported as
JVPW; and (3) the PID count was 17.

28 ⁵ This vehicle was previously tested at another station on December 5, 2015. At that time, the OIS

		4NCU469		Comm. Protocol: I914	Comm. Protocol: JVPW
				PID Count: 16	PID Count: 17, 18, or 19
	Test Date	Vehicle & License No.	Certificate No.	Fraudulent Passing Inspection Data	Expected OBDII Value
4	11/22/17	2004 Mazda RX8 5DQE680	HJ371992C	eVIN: Not Reported	eVIN: JM1FE17N440101034
				Comm. Protocol: I914	Comm. Protocol: ICAN11bt5
				PID Count: 16	PID Count: 37 13, or 37 8
5	1/31/18	2006 Dodge Charger SE ⁶ 5RYN973	HN378279C	eVIN: Not Reported	eVIN: 2B3KA43R56H380384
				Comm. Protocol: JVPW	Comm. Protocol: ICAN11bt5
				PID Count: 15	PID Count: 41, or 43 8

29.ee The data analysis conducted on Respondent Jays Automotive shows that Respondentsee participated in a scheme to perform at least five (5) fraudulent Smog Check inspections resulting in the issuance of five (5) fraudulent electronic Smog Check Certificates of Compliance between September 5, 2017 and January 31, 2018.

CAUSES FOR DISCIPLINE SUBJECTING ARD REGISTRATION TO DISCIPLINARY

ACTION:

FIRST CAUSE FOR DISCIPLINE

(Untrue or Misleading Statements)

30.ee Respondent Jays Automotive's Automotive Repair Dealer Registration is subject to disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(1), in that

Test Data for this vehicle showed all of the following results which were consistent with what was expected: (1) eVIN was not transmitted; (2) the communication protocol reported as JVPW; and (3) PID count was 17.

⁶ This vehicle was previously tested at another station on April 27, 2016. At that time, the OIS Test Data for this vehicle showed all of the following results which were consistent with what was expected: (1) eVIN was transmitted as 2B3KA43R56H380384; (2) the communication protocol reported as ICAN11bt5; and (3) the PID count was 43|8.

1 Respondent Jay Automotive made or authorized statements which Respondent Jay Automotive
2 knew or in the exercise of reasonable care should have known to be untrue or misleading, as
3 follows: Respondent certified that the five (5) vehicles identified in paragraph 27 above had
4 passed smog inspection and were in compliance with applicable laws and regulations. In fact,
5 Respondent used clean plugging methods for the five (5) vehicles identified in paragraph 27
6 above. Respondent substituted or used a different vehicle(s), or another source, during the OBD
7 II functional tests in order to issue smog certificates of compliance for the vehicles. Respondent
8 did not properly test or inspect any of the five (5) vehicles as required by Health & Saf. Code
9 section 44012. Complainant refers to, and by this reference incorporates, the allegations
10 contained in paragraphs 24 through 28, above, as though set forth fully herein.

11 **SECOND CAUSE FOR DISCIPLINE**

12 **(Fraud)**

13 31.ee Respondent Jay Automotive's Automotive Repair Dealer Registration is subject to ee
14 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(4), in that
15 Respondent Jay Automotive committed acts that constitute fraud by issuing electronic smog
16 certificates of compliance for the five (5) vehicles identified in paragraph 27 above, without
17 performing bona fide inspections of the emission control devices and systems on the vehicles,
18 thereby depriving the People of the State of California of the protection afforded by the Motor
19 Vehicle Inspection Program. Complainant refers to, and by this reference incorporates, the
20 allegations contained in paragraphs 24 through 28, above, as though set forth fully herein.

21 **THIRD CAUSE FOR DISCIPLINE**

22 **(Material Violation of Automotive Repair Act)**

23 32.ee Respondent Jay Automotive's Automotive Repair Dealer Registration is subject to ee
24 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(6), in that
25 Respondent Jay Automotive failed in a material respect to comply with the provisions of this
26 chapter or regulations adopted pursuant to it when he issued electronic certificates of compliance
27 for the five (5) vehicles identified in paragraph 27 above, without performing bona fide
28 inspections of the emission control devices and systems on those vehicles, thereby depriving the

1 People of the State of California of the protection afforded by the Motor Vehicle Inspection
2 Program. Complainant refers to, and by this reference incorporates, the allegations contained in
3 paragraphs 24 through 28, above, as though set forth fully herein.

4 **CAUSES FOR DISCIPLINE SUBJECTING SMOG CHECK STATION LICENSE TO**
5 **DISCIPLINARY ACTION:**

6 **FOURTH CAUSE FOR DISCIPLINE**

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

8 33.ee Respondent Jays Automotive's Smog Check Station License is subject to disciplinary
9 action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that Respondent Jays
10 Automotive failed to comply with the following sections of that Code:

11 a. **Section 44012:** Respondent failed to ensure that the emission control tests were
12 performed on the five (5) vehicles identified in paragraph 27 above, in accordance with
13 procedures prescribed by the department.

14 b. **Section 44015:** Respondent issued electronic smog certificates of compliance for three
15 five (5) vehicles identified in paragraph 27 above, without ensuring that the vehicles were
16 properly tested and inspected to determine if they were in compliance with Health & Saf. Code
17 section 44012.

18ee Complainant refers to, and by this reference incorporates, the allegations contained in
19 paragraphs 24 through 28, above, as though set forth fully herein.

20 **FIFTH CAUSE FOR DISCIPLINE**

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

23 34.ee Respondent Jays Automotive's Smog Check Station License is subject to disciplinary
24 action pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that Respondent Jays
25 Automotive failed to comply with provisions of California Code of Regulations, title 16, as
26 follows:

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1 a.ee **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently issued
2 electronic smog certificates of compliance for the five (5) vehicles identified in paragraph 27
3 above.

4 b.ee **Section 3340.35, subdivision (c):** Respondent issued electronic smog certificates of
5 compliance for the five (5) vehicles identified in paragraph 27 above, even though the vehicles
6 had not been inspected in accordance with section 3340.42.

7 c.ee **Section 3340.41, subdivision (c):** Respondent knowingly entered false information
8 into the emissions inspection system for the five (5) vehicles identified in paragraph 27 above.

9 d.ee **Section 3340.42:** Respondent failed to ensure that the required smog tests were
10 conducted on the five (5) vehicles identified in paragraph 27 above, in accordance with the
11 Bureau's specifications.

12 Complainant refers to, and by this reference incorporates, the allegations contained in
13 paragraphs 24 through 28, above, as though set forth fully herein.

14 **SIXTH CAUSE FOR DISCIPLINE**

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

16 35.ee Respondent Jays Automotive's Smog Check Station License is subject to disciplinary
17 action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent Jays
18 Automotive committed dishonest, fraudulent, or deceitful acts whereby another was injured by
19 issuing electronic smog certificates of compliance for the five (5) vehicles identified in paragraph
20 27 above, without performing bona fide inspections of the emission control devices and systems
21 on the vehicles, thereby depriving the People of the State of California of the protection afforded
22 by the Motor Vehicle Inspection Program. Complainant refers to, and by this reference
23 incorporates, the allegations contained in paragraphs 24 through 28, above, as though set forth
24 fully herein.

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1 **CAUSES FOR DISCIPLINE SUBJECTING SMOG CHECK INSPECTOR LICENSE**
2 **AND SMOG CHECK REPAIR TECHNICIAN LICENSE TO DISCIPLINARY ACTION:**

3 **SEVENTH CAUSE FOR DISCIPLINE**

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

5 36.ee Respondent Castillo's Smog Check Inspector License and Smog Check Repairer
6 Technician License, are subject to disciplinary action pursuant to Health & Saf. Code section
7 44072.2, subdivision (a), in that he failed to comply with section 44012 of that Code in a material
8 respect, as follows: Respondent Castillo failed to perform the emission control tests for one or
9 more of the five (5) vehicles identified in paragraphs 27 above, in accordance with procedures
10 prescribed by the department. Complainant refers to, and by this reference incorporates, the
11 allegations contained in paragraphs 24 through 28, above, as though set forth fully herein.

12 **EIGHTH CAUSE FOR DISCIPLINE**

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

15 37.ee Respondent Castillo's Smog Check Inspector License and Smog Check Repairer
16 Technician License, are subject to disciplinary action pursuant to Health & Saf. Code section
17 44072.2, subdivision (c), in that he failed to comply with provisions of California Code of
18 Regulations, title 16, as follows:

19 a. **Section 3340.24, subdivision (c):** Respondent Castillo falsely or fraudulently issued
20 one or more electronic smog certificates of compliance for the five (5) vehicles identified in
21 paragraph 27 above.

22 b.ee **Section 3340.30, subdivision (a):** Respondent Castillo failed to inspect one or more
23 of the five (5) vehicles identified in paragraph 27 above, in accordance with Health & Saf. Code
24 sections 44012 and 44035, and California Code of Regulations, title 16, section 3340.42.

25 c. **Section 3340.41, subdivision (c):** Respondent Castillo knowingly entered false
26 information into the emissions inspection system for one or more of the five (5) vehicles
27 identified in paragraph 27 above.

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1 d.aa **Section 3340.42:** Respondent Castillo failed to conduct the required smog tests onaa
2 one or more of the five (5) vehicles identified in paragraph 27 above, in accordance with the
3 Bureau's specifications.

4 Complainant refers to, and by this reference incorporates, the allegations contained in
5 paragraphs 24 through 28, above, as though set forth fully herein.

6 **NINTH CAUSE FOR DISCIPLINE**

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

8 38.aa Respondent Castillo's Smog Check Inspector License and Smog Check Repairaa
9 Technician License, are subject to disciplinary action pursuant to Health & Saf. Code section
10 44072.2, subdivision (d), in that Respondent Castillo committed dishonest, fraudulent, or
11 deceitful acts whereby another was injured by issuing electronic smog certificates of compliance
12 for one or more of the five (5) vehicles identified in paragraph 27 above, without performing bona
13 fide inspections of the emission control devices and systems on the vehicles, thereby depriving
14 the People of the State of California of the protection afforded by the Motor Vehicle Inspection
15 Program. Complainant refers to, and by this reference incorporates, the allegations contained in
16 paragraphs 24 through 28, above, as though set forth fully herein.

17 **DISCIPLINARY CONSIDERATIONS**

18 39.aa To determine the degree of discipline, Complainant further alleges that:aa

19 a.aa On or about June 13, 2014, the Bureau issued Respondent Jays Automotive Citation #aa
20 C2014-0956, for violation of section 44012(f) of the Health and Safety Code, in that Respondent
21 Jays Automotive unlawfully issued Certificate of Compliance [REDACTED] to a Bureau
22 undercover vehicle with ignition timing adjusted out of specification. A civil penalty in the
23 amount of \$1000 was assessed. Payment was received on August 4, 2014. The decision became
24 effective on August 18, 2014.

25 b.aa On or about June 13, 2014, the Bureau issued Respondent Castillo Citation # M2014-
26 0957, for violation of section 44032 of the Health and Safety Code, in that Respondent Castillo
27 unlawfully issued Certificate of Compliance [REDACTED] to a Bureau undercover vehicle with
28 ignition timing adjusted out of specification. Along with an Order of Abatement, an 8-hour BAR

1 Certified training course was assessed. Training was completed on August 15, 2014. The
2 decision became effective on August 18, 2014.

3 **OTHER MATTERS**

4 40.aa Pursuant to Bus. & Prof. Code section 9884.7, subdivision (c), the Director mayaa
5 suspend, revoke, or place on probation the registration for all places of business operated in this
6 state by Respondent Danourian, upon a finding that he has, or is, engaged in a course of repeated
7 and willful violations of the laws and regulations pertaining to an automotive repair dealer.

8 41.aa Pursuant to Health & Saf. Code section 44072.8, if Smog Check Station License No.aa
9 RC 193266, issued to Respondent Danourian doing business as Jays Automotive is revoked or
10 suspended following a hearing, any additional license issued under Chapter 5 of Part 5 of
11 Division 26 of the Health and Safety Code in the name of said licensee may be likewise revoked
12 or suspended by the Director.

13 42.aa Pursuant to Health & Saf. Code section 44072.8, if Smog Check Inspector Licenseaa
14 No. EO 146703 and/or Smog Check Repair License No. EI 146703 issued to Martin Tovar
15 Castillo is revoked or suspended following a hearing, any additional license issued under Chapter
16 5 of Part 5 of Division 26 of the Health and Safety Code in the name of said licensee may be
17 likewise revoked or suspended by the Director.

18 **PRAYER**

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

21 1.aa Revoking or suspending Automotive Repair Dealer Registration Number ARDaa
22 193266 issued to Jay Dangourian dba Jays Automotive;

23 2.aa Revoking or suspending any other automotive repair dealer registration issued to Jayaa
24 Dangourian;

25 3.aa Revoking or suspending Smog Check Station License No. RC 193266, issued to Jayaa
26 Dangourian dba Jays Automotive;

27 4.aa Revoking or suspending any additional license issued under Chapter 5 of Part 5 ofaa
28 Division 26 of the Health and Safety Code in the name of Jay Dangourian;

1 5. Revoking or suspending Smog Check Inspector License No. EO 146703, issued to
2 Martin Tovar Castillo;

3 6. Revoking or suspending Smog Check Repair License No. EI 146703, issued to
4 Martin Tovar Castillo;

5 7. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
6 Division 26 of the Health and Safety Code in the name of Martin Tovar Castillo;

7 8. Ordering Respondents to pay the Bureau the reasonable costs of the investigation and
8 enforcement of this case, pursuant to Business and Professions Code section 125.3; and

9 9. Taking such other and further action as deemed necessary and proper.
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13 DATED: February 26, 2019 

14 PATRICK DORAIS
15 Chief
16 Bureau of Automotive Repair
17 Department of Consumer Affairs
18 State of California
19 *Complainant*

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