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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 Petition to Revoke
Probation Against:
13 **ALL SMOG TEST ONLY CENTER,**
521 East Los Angeles Ave, #G
14 Simi Valley, CA 93065
ANDRE RAFI MARDIAN, OWNER
15 Automotive Repair Dealer Registration
No. ARD 239246
16 Smog Check, Test Only, Station License
No. TC 239246,
17
18 **and**
19 **ANDRE RAFI MARDIAN**
25122-H Steinbeck Ave
Stevenson Ranch, CA 91381
20 Smog Check Inspector License No. EO 151225
21 Respondents.

Case No. 79/16-04
OAH Case No. L-2011030993

PETITION TO REVOKE PROBATION

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23 Complainant alleges:

24 **PARTIES**

25 1. Patrick Dorais (Complainant) brings this Petition to Revoke Probation solely in his
26 official capacity as the Chief of the Bureau of Automotive Repair (Bureau), Department of
27 Consumer Affairs.

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1 2. On or about June 10, 2005, the Bureau issued Automotive Repair Dealer Registration
2 No. ARD 239246 to All Smog Test Only Center, Andre Rafi Mardian (Respondent). The
3 Automotive Repair Dealer Registration expired on May 31, 2013, and has not been renewed.

4 3. On or about June 15, 2005, the Bureau issued Smog Check Test Only Station License
5 No. TC 239246 to Respondent. The Smog Check Test Only Station License expired on May 31,
6 2013, and has not been renewed.

7 4. In 2005, the Bureau issued Advanced Emission Specialist Technician License No. EA
8 151225 to Respondent. On or about December 31, 2012 the license was canceled and renewed as
9 Smog Check Inspector License No. EO 151225. The Smog Check Inspector License expired on
10 December 31, 2014, and has not been renewed.

11 5. In the disciplinary action entitled "*In the Matter of Accusation Against All Smog Test*
12 *Only Center, Andre Rafi Mardian,*" Case No. 79/10-84, the Director of Consumer Affairs
13 (Director) for the Bureau, issued a decision, effective August 9, 2012, in which Respondent's
14 Automotive Repair Dealer Registration, Smog check Test Only License and Advanced Emission
15 Specialist Technician Licenses was revoked. However, the revocation was stayed and
16 Respondent's Automotive Repair Dealer Registration, Smog Check Station Test Only License,
17 and Advanced Emission Specialist Technician License was placed on probation for a period of
18 three (3) years with certain terms and conditions. A copy of that decision is attached as **Exhibit**
19 **A** and is incorporated by reference.

JURISDICTION

21 6. This Petition to Revoke Probation is brought before the Director for the Bureau of
22 Automotive Repair, under the authority of the following laws and current probation matter.

23 7. This Petition to Revoke Probation is brought before the Bureau under Probation Term
24 and Condition 8 of the Decision and Order "*In the Matter of Accusation Against All Smog Test*
25 *Only Center, Andre Rafi Mardian,*" Case No. 79/10-84. That term and condition states:

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Violation of Probation

Should the Director of Consumer Affairs determine that Respondent has failed to comply with the terms and conditions of probation, the Department may, after giving notice and opportunity to be heard, permanently revoke Respondent's Automotive Repair Dealer Registration.

8. Grounds exist to revoke Respondent's probation under the authority of Condition 8 of the Decision and Order in that Respondent did not comply with the terms and conditions of his probation, as set forth below.

CAUSE TO REVOKE PROBATION

(Failed to Comply with Cost Recovery)

9. At all times after the effective date of Respondent's probation, Condition 11 stated:

Cost Recovery

Payment to the Bureau of \$5,000.00, shall be made in twenty four (24) equal installments, with the final payment due no later than 12 months before termination of probation. Failure to complete payment of cost recovery within this frame shall constitute a violation of probation which may subject Respondent's license/registration to outright revocation; however, the Director or the Director's Bureau of Automotive Repair designee may elect to continue probation until such time as reimbursement of the entire cost recover amount has been made to the Bureau.

10. Respondent's probation is subject to revocation because he failed to comply with Probation Condition 9, referenced above. The facts and circumstances regarding this violation are as follows:

a. Respondent has failed to pay cost recovery in full no later than August 9, 2014. The balance owed as of May 12, 2015 is \$2, 916.70.

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PRAYER

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

1. Revoking the probation that was granted by the Bureau in Case No. 79/10-84 and imposing the disciplinary order that was stayed thereby revoking Automotive Repair Dealer Registration No. ARD 239246 issued to All Smog Test Only Center, Andre Rafi Mardian;
2. Revoking or suspending Automotive Repair Dealer Registration No. ARD 239246, issued to All Smog Test Only Center, Andre Rafi Mardian;
3. Revoking or suspending Smog Check, Test Only, Station License No. TC 239246, issued to All Smog Test Only Center, Andre Rafi Mardian.
4. Revoking the probation that was granted by the Bureau of Automotive Repair in Case No. 79/10-84 and imposing the disciplinary order that was stayed thereby revoking Smog Check Inspector License No. EO 151225 issued to Andre Rafi Mardian;
5. Revoking or suspending Smog Check Inspector License No. EO 151225, issued to Andre Rafi Mardian;
6. Taking such other and further action as deemed necessary and proper.

DATED:

July 15, 2015



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

LA2015501163

Exhibit A

Decision and Order

Bureau of Automotive Repair Case No. 79/10-84