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

11 In the Matter of the Accusation Against:

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

15 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 HAGSHENAS**  
1437 W. Santa Cruz St.  
22 San Pedro, CA 90732

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

25 Respondents

26 Patrick Dorais ("Complainant") alleges:

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Case No. **79/14-14**

OAH No. 2012100814

**A C C U S A T I O N**

1 PARTIES

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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.<sup>1</sup>

25  
26 <sup>1</sup> 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.

1 **JURISDICTION**

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.

19 **STATUTORY PROVISIONS**

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.

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.

26 . . . .  
(4) Any other conduct that constitutes fraud.

27 . . . .  
(6) Failure in any material respect to comply with the provisions of this chapter  
28 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.

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14 11. Bus. & Prof. Code section 9884.9 states, in pertinent part:

15 (a) The automotive repair dealer shall give to the customer a written estimated  
16 price for labor and parts necessary for a specific job. No work shall be done and no  
17 charges shall accrue before authorization to proceed is obtained from the customer.  
18 No charge shall be made for work done or parts supplied in excess of the estimated  
19 price without the oral or written consent of the customer that shall be obtained at  
20 some time after it is determined that the estimated price is insufficient and before the  
21 work not estimated is done or the parts not estimated are supplied. Written consent or

22 authorization for an increase in the original estimated price may be provided by  
23 electronic mail or facsimile transmission from the customer. The bureau may specify  
24 in regulation the procedures to be followed by an automotive repair dealer if an  
25 authorization or consent for an increase in the original estimated price is provided by  
26 electronic mail or facsimile transmission. If that consent is oral, the dealer shall make  
27 a notation on the work order of the date, time, name of person authorizing the  
28 additional repairs, and telephone number called, if any, together with a specification  
of the additional parts and labor and the total additional cost ...

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

13. Health and Safety 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 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.

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1 **UNDERCOVER OPERATION - APRIL 18, 2012**

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

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

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

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

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

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

14 21. The VIR indicates that Respondents caused electronic Certificate of Compliance No.  
15 [REDACTED] to be issued to the vehicle.

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

20 **FIRST CAUSE FOR DISCIPLINE**

21 **(Untrue and Misleading Statements)**

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

26 a. On or about April 18, 2012, Respondent Granvia's technician, Respondent  
27 Haghshenas, certified under penalty of perjury that a 2000 Toyota described above, had passed a  
28 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:

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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 [REDACTED] 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 [REDACTED] 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 [REDACTED] 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.

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1 **SIXTH CAUSE FOR DISCIPLINE**

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

3 28. Respondent Granvia has subjected its Smog Check Station license to discipline  
4 pursuant to Health and Safety Code section 44072.2(d), in that on or about April 18, 2012,  
5 Respondent committed act involving dishonesty, fraud or deceit whereby another was injured by  
6 issuing electronic certificate of compliance [REDACTED] to the Bureau's 2000 Toyota without  
7 performing a bona fide inspection of the emission control devices and systems on the vehicle,  
8 thereby depriving the People of the State of California of the protection afforded by the Motor  
9 Vehicle Inspection Program. Complainant refers to and by this reference incorporates the  
10 allegations set forth in paragraphs 15 to 22, as though set forth fully herein.

11 **SEVENTH CAUSE FOR DISCIPLINE**

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

13 29. Respondent Haghshenas' inspector license is subject to disciplinary action pursuant to  
14 Health and Safety Code section 44072.2(a), in that Respondent Haghshenas failed to comply with  
15 Health and Safety Code section 44012(f), as follows:

16 a. On or about April 18, 2012, Respondent Haghshenas failed to perform the visual  
17 inspection of the emission control devices and systems on the Bureau's 2000 Toyota in  
18 accordance with the procedures prescribed by the Bureau. Complainant refers to and by this  
19 reference incorporates the allegations set forth in paragraphs 15 to 22, as though set forth fully  
20 herein.

21 **EIGHTH CAUSE FOR DISCIPLINE**

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

24 30. Respondent Haghshenas' inspector license is subject to disciplinary action pursuant to  
25 Health and Safety Code section 44072.2(c), in that on or about April 18, 2012, Respondent failed  
26 to comply with provisions of California Code of Regulations, title 16, as follows:

27 a. **Section 3340.30(a)**: Respondent failed to inspect and test the Bureau's 2000 Toyota in  
28 accordance with Health and Safety Code sections 44012 and 44035, and California Code of

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 [REDACTED] 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.

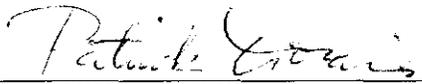
24 34. Pursuant to Health and Safety Code section 44072.8, if Smog Inspector License  
25 Number EO152302 (formerly Advanced Emission Specialist Technician EA 152302), issued to  
26 Respondent Ahmad Reza Haghshenas, is revoked or suspended, any additional license issued  
27 under this chapter in the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

**PRAYER**

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

1. Revoking or suspending Automotive Repair Dealer Registration Number ARD 242284, issued to Multiplex Car Wash, Inc. dba Granvia Service Center; Shahla Z. Sharifi, President;
2. Revoking or suspending any other Automotive Repair Dealer Registration issued to Multiplex Car Wash, Inc. or Shahla Z. Sharifi.
3. Revoking or suspending Smog Check Station License Number RC 242284, issued to Multiplex Car Wash, Inc. dba Granvia Service Center; Shahla Z. Sharifi, President;
4. Revoking or suspending any other Smog Check Station License issued to Multiplex Car Wash, Inc. or Shahla Z. Sharifi;
5. Revoking or suspending Smog Check Inspector License EO 152302 issued to Ahmad Reza Haghshenas;
6. Revoking or suspending any additional license issued under Chapter 5 of the Health and Safety Code in the name of Ahmad Reza Haghshenas;
7. Ordering Respondent Granvia and Respondent Haghshenas to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
8. Taking such other and further action as deemed necessary and proper.

DATED: August 8, 2013

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

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