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 of California
ARMANDO ZAMBRANO
Supervising Deputy Attorney General
KIMBERLEE D. KING
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BEFORE THE
DEPARTMENT OF CONSUMER AFFAIRS
FOR THE 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 **STIPULATED SETTLEMENT AND ORDER AS TO AHMAD REZA HAGHSHENAS ONLY**

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

PARTIES

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

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

3. In 2005, the Bureau of Automotive Repair issued Advanced Emission Specialist Technician EA 152302. 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.[1]

JURISDICTION

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

[1] In 2005, the Bureau of Automotive Repair issued Advanced Emission Specialist Technician EA 152302. 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. The licenses will expire on May 31, 2015, unless renewed.

5. A copy of Accusation No. 79/14-14 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, and understands the charges and allegations in Accusation No. 79/14-14. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

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

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

CULPABILITY

9. Respondent admits the truth of each and every charge and allegation in Accusation No. 79/14-14.

10. Respondent agrees that his Smog Check Inspector License and Smog Check Repair Technician License are subject to discipline and he agrees to be bound by the Director's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

11. This stipulation shall be subject to approval by the Director of Consumer Affairs or the Director's designee. Respondent understands and agrees that counsel for Complainant and the staff of the Bureau of Automotive Repair may communicate directly with the Director and staff of the Department of Consumer Affairs regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the

Director considers and acts upon it. If the Director fails to adopt this stipulation as the Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Director shall not be disqualified from further action by having considered this matter.

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

13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

14. In consideration of the foregoing admissions and stipulations, the parties agree that the Director may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Smog Check Inspector License No. EO 152302 and Smog Check Repair Technician License No. EI 152302 (formerly Advanced Emission Specialist Technician License No. EA 152302) issued to Respondent Ahmad Reza Haghshenas (Respondent) are revoked. However, the revocations are stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

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

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

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

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

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

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

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

8. **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, set aside the order staying revocation of Respondent's licenses and revoke the licenses.

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

10. **Cost Recovery.** Respondent shall pay to the Bureau costs associated with its investigation and enforcement pursuant to Business and Professions Code section 125.3 in the amount of $2,000.00. Respondent shall be make this payment within thirty days of the effective date of the decision. Failure to complete payment of cost recovery within this time frame shall constitute a violation of probation which may subject Respondent's licenses 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 recovery amount has been made to the Bureau.

ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Smog Check Inspector License and Smog Check Repair Technician License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of Consumer Affairs.

DATED: 3/28/15

AHMAD REZA HAGHSHENAS
Respondent

3/30/15

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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 King

KIMBERLEE D. KING
Deputy Attorney General
Attorneys for Complainant

LA2014512008
Stipulation.rtf

Exhibit A

Accusation No. 79/14-14

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BEFORE THE
DEPARTMENT OF CONSUMER AFFAIRS
FOR THE 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 Palo 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)** Respondents	Case No. 79/14-14 OAH No. 2012100814 **ACCUSATION**

Patrick Dorais ("Complainant") alleges:

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PARTIES

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

Automotive Repair Dealer Registration

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

Smog Check Test Only Station License

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

Advanced Emission Specialist Technician License

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

[1] Effective August 1, 2012, California Code of regulations, title 16, sections 3340.28, 3340.29, and 3340.30 were amended to implement a license restructure from the Advanced 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.

JURISDICTION

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

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

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

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

9. Health and Safety 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.

STATUTORY PROVISIONS

10. Bus. & Prof. Code section 9884.7 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.
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> . . . .
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> (4) Any other conduct that constitutes fraud.
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> . . . .
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> (6) Failure in any material respect to comply with the provisions of this chapter or regulations adopted pursuant to it.
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> . . . .

(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.

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

(a) The automotive repair dealer shall give to the customer a written estimated price for labor and parts necessary for a specific job. No work shall be done and no charges shall accrue before authorization to proceed is obtained from the customer. No charge shall be made for work done or parts supplied in excess of the estimated price without the oral or written consent of the customer that shall be obtained at some time after it is determined that the estimated price is insufficient and before the work not estimated is done or the parts not estimated are supplied. Written consent or authorization for an increase in the original estimated price may be provided by electronic mail or facsimile transmission from the customer. The bureau may specify in regulation the procedures to be followed by an automotive repair dealer if an authorization or consent for an increase in the original estimated price is provided by electronic mail or facsimile transmission. If that consent is oral, the dealer shall make a notation on the work order of the date, time, name of person authorizing the 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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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 [redacted] and a Vehicle Inspection Report ("VIR").

21. The VIR indicates that Respondents caused electronic Certificate of Compliance No. [redacted] 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

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

SECOND CAUSE FOR DISCIPLINE

(Fraud)

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

THIRD CAUSE FOR DISCIPLINE

(Violation of the Business and Professions Code)

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

FOURTH CAUSE FOR DISCIPLINE

(Violation of the Motor Vehicle Inspection Program)

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

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

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

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

FIFTH CAUSE FOR DISCIPLINE

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

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

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

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

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

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SIXTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud, or Deceit)

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

SEVENTH CAUSE FOR DISCIPLINE

(Violations of the Motor Vehicle Inspection Program)

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

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

EIGHTH CAUSE FOR DISCIPLINE

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

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

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

Regulations, title 16, section 3340.42.

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

NINTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud or Deceit)

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

OTHER MATTERS

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

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

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

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

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