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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. 79/21-13045

13 **AMIR SAIFULLAH SHAH**
14 **dba GOLDEN STAR SMOG**
15 **2484 Olivera Road**
16 **Concord, CA 94520**

ACCUSATION

17 **Mailing Address:**
18 **2505 Bugle Way**
19 **Antioch, CA 94531**

20 **Automotive Repair Dealer No. ARD 266219**
21 **Smog Check Test Only Station License No. TC 266219**

22 **AMIR SAIFULLAH SHAH**
23 **dba PITTSBURG SMOG**
24 **901 East 14th St.**
25 **Pittsburg CA 94565**

26 **Mailing Address:**
27 **2505 Bugle Way**
28 **Antioch, CA 94531**

Automotive Repair Dealer No. ARD 250761
Smog Check Test Only Station License No. TC 250761

AMIR S. SHAH
2505 Bugle Way
Antioch, CA 94531

Smog Check Inspector License No. EO 154238

Respondent.

1
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 1. On or about August 11, 2011, the Bureau issued Automotive Repair Dealer
6 Registration No. ARD 266219 to Amir Saifullah Shah (Respondent) dba Golden Star Smog. The
7 Automotive Repair Dealer Registration will expire on August 31, 2022, unless renewed.

8 2. On or about August 25, 2011, the Bureau issued Smog Check, Test Only, Station
9 License No. TC 266219 to Respondent dba Golden Star Smog. The Smog Check, Test Only,
10 Station License will expire on August 31, 2022, unless renewed.

11 3. On or about January 17, 2013, Smog Check, Test Only, Station License No. TC
12 266219 was certified as a STAR Station.

13 4. In 2007, the Bureau issued Automotive Repair Dealer Registration No. ARD 250761
14 to Respondent dba Pittsburg Smog. The Automotive Repair Dealer Registration will expire on
15 April 30, 2023, unless renewed.

16 5. On or about July 26, 2007, the Bureau issued Smog Check, Test Only, Station
17 License No. TC 250761 to Respondent dba Pittsburg Smog. The Smog Check, Test Only,
18 Station License will expire on April 30, 2023, unless renewed.

19 6. On or about February 1, 2013, Smog Check, Test Only, Station License No. TC
20 250761 was certified as a STAR Station.

21 7. In 2007, the Bureau of Automotive Repair issued Advanced Emission Specialist
22 Technician License Number EA154238 to Respondent. The license was cancelled on June 4,
23 2013. The license was renewed pursuant to Respondent's election as a Smog Check Inspector
24 License No. EO154238, effective June 4, 2013.¹ The Smog Check Inspector License will expire
25 on March 31, 2023, unless renewed.

26 _____
27 ¹ Effective August 1, 2012, California Code of Regulations, title 16, section 3340.28,
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 and/or Smog Check Repair Technician (EI) license.

STATUTORY AND REGULATORY PROVISIONS

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2. Section 9884.7 of the Business and Professions Code (“Code”) states, in pertinent part:

(a) The director, if 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.

...

(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.

...

(e) For purposes of this section, “fraud” includes, but is not limited to, violations of this chapter involving misrepresentations and all of the following:

(1) Any act or omission that is included within the definition of either “actual fraud” or “constructive fraud,” as those terms are defined in Sections 1572 and 1573 of the Civil Code.

(2) A misrepresentation in any manner, whether intentionally false or due to gross negligence, of a material fact.

1 (3) A promise or representation not made honestly and in good faith.

2 (4) An intentional failure to disclose a material fact.

3 (5) Any act in violation of Section 484 of the Penal Code.

4 3. Code section **9884.13** provides, in pertinent part, that the expiration of a valid
5 registration shall not deprive the director or chief of jurisdiction to proceed with a disciplinary
6 proceeding against an automotive repair dealer or to render a decision invalidating a registration
7 temporarily or permanently.

8 4. Section **44002** of the Health and Safety Code provides, in pertinent part, that the
9 Director has all the powers and authority granted under the Automotive Repair Act for enforcing
10 the Motor Vehicle Inspection Program.

11 5. Section **44012** of the Health and Safety Code requires that tests at smog check
12 stations be performed in accordance with procedures prescribed by the department.

13 6. Section **44059** of the Health and Safety Code states, in pertinent part:

14 “The willful making of any false statement or entry with regard to a material matter in any
15 oath, affidavit, certificate of compliance or noncompliance, or application form which is required
16 by this chapter or Chapter 20.3 (commencing with Section 9880) of Division 3 of the Business
17 and Professions Code, constitutes perjury and is punishable as provided in the Penal Code.”

18 7. Section **44072.2** of the Health and Safety Code states, in pertinent part:

19 The director may suspend, revoke, or take other disciplinary action against a license as
20 provided in this article if the licensee, or any partner, officer, or director thereof, does any of the
21 following:

22 (a) Violates any section of this chapter and the regulations adopted pursuant to it, which
23 related to the licensed activities.

24 . . .

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

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

27 . . .

28

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

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

7 9. Section **44072.8** of the Health and Safety Code states:

8 When a license has been revoked or suspended following a hearing under this article, any
9 additional license issued under this chapter in the name of the licensee may be likewise revoked
10 or suspended by the director.

11 10. Section **44072.10** of the Health and Safety Code states:

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

15 “(1) Clean piping, as defined by the department.”

16 . . .

17 “(4) Intentional or willful violation of this chapter or any regulation, standard, or procedure
18 of the department implementing this chapter.”

19 11. California Code of Regulations, title 16, section **3340.24**, states:

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

23 12. California Code of Regulations, title 16, section **3340.30**, states, in pertinent part:

24 A licensed smog check inspector and/or repair technician shall comply with the following
25 requirements at all times while licensed:

26 (a) Inspect, test and repair vehicles, as applicable, in accordance with section 44012 of the
27 Health and Safety Code, section 44035 of the Health and Safety Code, and section 3340.42 of this
28 article.

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13. California Code of Regulations, title 16, section **3340.41(c)**, states:

“No person shall enter into the BAR-97 Emissions Inspection System or the OBD 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 BAR-97 Emissions Inspection System or the OBD Inspection System any false information about the vehicle being tested.”

14. California Code of Regulations, title 16, section **3340.42**, states:

“Smog check inspection methods are prescribed in the Smog Check Manual, referenced by section 3340.45.

“(a) All vehicles subject to a smog check inspection, shall receive one of the following test methods:

...

“(3) An OBD-focused test, shall be the test method used to inspect gasoline-powered vehicles 2000 model-year and newer, and diesel-powered vehicles 1998 model-year and newer. The OBD test failure criteria are specified in section 3340.42.2.”

15. California Code of Regulations, title 16, section **3340.45**, states:

“(a) All Smog Check inspections shall be performed in accordance with requirements and procedures prescribed in the following:

(1) Smog Check Manual, dated 2013, which is hereby incorporated by reference. This manual became effective on or after January 1, 2013. This manual shall remain in effect until subparagraph (2) is implemented.

“(2) Smog Check Manual, dated November 2, 2017, which is hereby incorporated by reference. This manual shall become effective on August 2, 2018.”

COSTS

16. Section 125.3 of the Code provides, in pertinent part, that a Board (including the Bureau of Automotive Repair) 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

1 the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate
2 to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of
3 investigation and enforcement costs may be included in a stipulated settlement.

4 **SMOG PROGRAM AND CLEAN PLUGGING ALLEGATIONS AT GOLDEN STAR**

5 **SMOG**

6 17. California's Smog Check Program requires the owners of most motor vehicles in
7 California to take and pass a Smog Check inspection and receive a Certificate of Compliance
8 every two years when renewing their registration and also when the vehicle's title is transferred.
9 These inspections are performed by Smog Check inspectors at Smog Check Stations, both of
10 which are licensed by the Bureau of Automotive Repair (BAR).

11 18. The Smog Check inspection in certain Enhanced areas of the State is an Acceleration
12 Simulation Mode (ASM) test performed using an Emission Inspection System (EIS), also known
13 as a BAR 97. This is a computer based five-gas analyzer that measures Hydrocarbons, Carbon
14 Monoxide, Oxides of Nitrogen, Carbon Dioxide, and Oxygen. The inspection involves a test of
15 the vehicle's tailpipe emissions on a dynamometer. In Basic areas of the State, or depending on a
16 vehicle's configuration (all-wheel drive, traction control issue), a similar test called a Two Speed
17 Idle (TSI) test is performed, but instead of applying a load to the vehicle's drive wheels with a
18 dynamometer, the EIS measures the emissions at idle as well as 2500 revolutions per minute
19 (RPM).

20 19. The inspector also performs visual and functional tests on the vehicle as outlined in
21 the Smog Check Manual. The visual inspection of the emission control components verifies the
22 required emission control devices are present and properly connected. Functional tests are also
23 performed which, depending on the vehicle, may include checking the ignition timing,
24 malfunction indicator light (MIL), Exhaust Gas Recirculation (EGR) system, a low pressure test
25 of the evaporative emissions controls (LPFET), a visible smoke test, and a pressure test of the gas
26 cap.

27 20. On March 9, 2015, the Bureau implemented a statewide regulatory change requiring
28 the use of the On Board Diagnostic Inspection System (BAR-OIS) instead of the Emission

1 Inspection System (EIS) for the smog testing of 2000 model year and newer gas powered and
2 1998 and newer diesel vehicles. Most older vehicles require the ASM or TSI test on the EIS.
3 Gas powered vehicles with a gross vehicle weight rating over 14,000 pounds require an
4 inspection on the EIS.

5 21. The new BAR-OIS smog inspection uses a Data Acquisition Device (DAD), a
6 computer, a bar code scanner, and printer. The DAD is a scan tool that retrieves data from a
7 vehicle's On Board Diagnostic-generation II (OBD II) computer. The DAD connects the BAR
8 OIS computer to the vehicle's diagnostic link connector (DLC) to retrieve the data from the
9 vehicle. The bar code scanner is used to input technician information, the vehicle identification
10 number (VIN), and DMV renewal information. The printer is used to print Vehicle Inspection
11 Reports.

12 22. Data retrieved and recorded during a BAR-OIS smog check includes: the eVIN,
13 which is the digitally stored VIN programmed into the vehicle's Powertrain Control Module
14 (PCM); the communication protocol, which is the manufacturer/vehicle's specific "language" the
15 PCM uses to relay information; and the number of Parameter Identifications (PIDs), which is the
16 number of specific data values each PCM uses related to emissions controls.

17 23. As part of the BAR-OIS smog inspections, the technician also performs a visual and
18 functional test on the vehicle being inspected. The visual inspection of the emission control
19 components verifies the required emission control devices are present and properly connected and
20 a functional test is performed of the malfunction indicator light (MIL). The BAR-OIS software
21 makes the determination whether or not the vehicle passes the inspection based on the results of
22 the OBD, visual and functional tests. If the vehicle passes the inspection a certificate of
23 compliance is issued. The information from the smog inspection is then transmitted to the
24 Vehicle Information Data (VID).

25 24. The Bureau can access the VID to view test data on smog check inspections
26 performed at any Smog Check Station, or search for, retrieve, and print a test record for a
27 particular vehicle which has been tested.
28

1 25. The Bureau has become aware of methods some Smog Check stations and Smog
2 Check inspectors use to issue smog certificates to vehicles that will not pass a Smog Check test
3 on their own, or in some instances, are not even present during the time the test is performed.

4 26. One method is known as "clean plugging." "Clean plugging" is the act of using one
5 vehicle's properly functioning OBDII system, or another source, to generate passing data readings
6 or diagnostic information for the purpose of issuing a smog certificate of compliance to a vehicle
7 that is not in smog compliance and/or not being tested. The vehicle being certified is not the one
8 being tested.

9 27. The Bureau initiated an investigation of Respondent's smog check station Golden
10 Star Smog. Respondent was found to have performed three smog inspections using clean-
11 plugging methods. The smog inspections were personally performed by Respondent at
12 Respondent's Smog Station Golden Star Smog. Respondent issued three certificates of
13 compliance to three vehicles that were not tested.

14 28. A Bureau representative reviewed data for the clean-plugged vehicles inspected by
15 Respondent. The data revealed that the three vehicles that were purportedly tested by Respondent
16 were not and could not have been connected to the DAD when they were being certified because
17 the OBD-II data purportedly transmitted by those vehicles could not have been transmitted by
18 those vehicles.

19 29. Respondent clean plugged and issued certificates of compliance to the following
20 vehicles: a) Clean Plug# 1 - 2006 Ford F150

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Certificate #	eVIN	Protocol	PID count
SG345652C			
Actual Inspection Data Transmitted 8/27/2021	2T1KE4EE2AC035524	ICAN11bt5	39
Expected OBDII Value	1FTRF12256NB53690	ICAN11bt5	45 or 47

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b) Clean Plug #2 – 2009 Mitsubishi Lancer

Certificate #	eVIN	Protocol	PID count
SE852252C			
Actual Inspection Data Transmitted 8/10/2021	2FMDK3J97DBB75291	ICAN11bt5	38 16
Expected OBDII Value	JA3AU26U99U027586	ICAN11bt5	37, 37 14, 39, or 39 14

c) Clean Plug #3—2002 Mercedes Benz ML 320

Certificate #	eVIN	Protocol	PID count
IL856241C			
Actual Inspection Data Transmitted 7/16/2021	WDDGF4HB2CR209868	ICAN11bt5	42 12
Expected OBDII Value	Not Usually Reported	KWPF	22 or 24

FIRST CAUSE FOR DISCIPLINE

(Untrue or Misleading Statements - Registration)

30. Respondent has subjected his registration to discipline under Code section 9884.7, subdivision (a)(1), in that Respondent made statements which he knew or which by exercise of reasonable care should have known were untrue or misleading, as set forth above in paragraphs 27-29, above. Respondent purported to test three vehicles, and certified that the three vehicles passed inspection and were in compliance with applicable laws and regulations. In fact, Respondent conducted the inspections on those vehicles using clean-plugging methods.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Fraud - Registration)**

3 31. Respondent has subjected his registration to discipline under Code section 9884.7,
4 subdivision (a)(4), in that he committed acts which constitute fraud, as set forth above in
5 paragraph 27-29, above.

6 **THIRD CAUSE FOR DISCIPLINE**

7 **(Dishonesty, Fraud or Deceit – Smog Station License)**

8 32. Respondent has subjected his station license and Smog Check Inspector License to
9 discipline under Health and Safety Code sections 44072.10 and 44072.2, subdivision (d), in that
10 he committed acts involving dishonesty, fraud or deceit, whereby another was injured by issuing
11 electronic certificates of compliance for vehicles without performing bona fide inspections of the
12 emission control devices and systems on the vehicles, thereby depriving the People of the State of
13 California of the protection afforded by the Motor Vehicle Inspection Program, as set forth above
14 in paragraphs 27-29, above.

15 **FOURTH CAUSE FOR DISCIPLINE**

16 **(Violation of the Motor Vehicle Inspection Program)**

17 33. Respondent has subjected his Station License and Smog Check Inspector license to
18 discipline under Health and Safety Code sections 44072.10 and 44072.2, subdivisions (a) and (c),
19 in that he violated sections of that Code and applicable regulations, through conduct described in
20 paragraphs 27-29, as follows:

21 a. **Section 44012:** Respondent failed to ensure that smog inspections were performed
22 on vehicles in accordance with procedures prescribed by the department.

23 b. **Section 44059:** Respondent willfully made false statements in issuing the Smog
24 Certificates of compliance and on the Vehicle Inspection Reports

25 c. **Section 3340.24, subdivision (c):** Respondent falsely or fraudulently issued
26 electronic certificates of compliance to certain vehicles without performing bona fide inspections
27 of the emission control devices and systems on those vehicles.

28

1 d. **Section 3340.30, subdivision (a):** Respondent failed to inspect the vehicles in
2 accordance with Health and Safety Code section 44012 and California code of Regulations title
3 16, section 3340.42.

4 e. **Section 3340.41, subdivision (c):** Respondent entered vehicle identification
5 information for a vehicle other than the one being tested into the BAR-OIS.

6 f. **Section 3340.42:** Respondent failed to conduct the required smog tests and
7 inspections on certain vehicles in accordance with the Bureau's specifications.

8 g. **Section 3340.45** Respondent violated the procedures contained in the Smog Check
9 Manual by entering vehicle identification information for a vehicle that was not being tested.

10 **UNDERCOVER OPERATION AT PITTSBURG SMOG**

11 34. In 2021, a Bureau Representative prepared a 2002 Dodge (Dodge) to fail a smog
12 inspection due to a defective Evaporative Emission Control Canister. The canister had a large
13 hole in it. In this condition the Dodge would not pass a properly performed smog inspection.
14 The Dodge would fail the visual portion of the smog inspection.

15 35. On or about October 26, 2021, an undercover operation was performed at
16 Respondent's smog check station Pittsburg Smog to confirm compliance with the Smog Check
17 Program. An operator drove to Pittsburg Smog and requested a smog inspection.

18 36. The Dodge passed the smog inspection. The operator was given copies of an invoice
19 and a Vehicle Inspection Report (VIR). Respondent issued Smog Certificate of Compliance #
20 SI410523C to the Dodge. Respondent entered "Pass" into the OIS for the Visual Inspection
21 category "Fuel Evaporative System (EVAP)," when in fact the vehicle should have failed.
22 Respondent issued the certificate of compliance to the Dodge.

23 **FIFTH CAUSE FOR DISCIPLINE**

24 **(False or misleading Statements- Registration)**

25 37. Respondent has subjected his Registration to disciplinary action under section 9884.7,
26 subdivision(a)(1), in that Respondent made false or misleading statements that he knew or should
27 have known were false or misleading as follows:
28

1 a. Respondent transmitted information to the Vehicle Information Database stating the
2 Dodge passed the Fuel Evaporative System (EVAP) visual inspection.

3 b. Respondent created a VIR stating the Dodge passed the Fuel Evaporative System
4 (EVAP) visual inspection.

5 **SIXTH CAUSE FOR DISCIPLINE**

6 **(Violation of Laws and Regulations-Registration)**

7 38. Respondent has subjected his Registration to disciplinary action under section 9884.7,
8 subdivision (a)(6), in that Respondent violated the following laws and regulations:

9 a. Respondent violated Code section 9884.9(a) by failing to provide the operator with a
10 written estimate prior to performing the smog inspection.

11 b. Respondent violated California Code of Regulations, Title 16, section 3371, in that
12 Respondent made untrue or misleading statements as described in paragraph 36, above.

13 c. Respondent violated California Code of Regulations, Title 16, section 3373, in that
14 Respondent made untrue or misleading statements on a Vehicle Inspection Report. The Vehicle
15 Inspection Report stated that the vehicle passed the Fuel Evaporative System visual inspection.

16 **SEVENTH CAUSE FOR DISCIPLINE**

17 **(Dishonesty or Deceit-Smog Licenses)**

18 39. Respondent has subjected his Station License and Smog Check Inspector licenses to
19 disciplinary action under Health and Safety Code section 44072.2, subdivision (d), in that
20 Respondent committed acts involving dishonesty or deceit whereby another was injured. The
21 circumstances are described in paragraphs 34-36, above.

22 **EIGHTH CAUSE FOR DISCIPLINE**

23 **(Violation of Laws and Regulations-Smog Licenses)**

24 40. Respondent has subjected his Station license and Smog Check Inspector license to
25 disciplinary action under Health and Safety Code section 44072.2, subdivision(s) (a), (c) and/or
26 (g), in that Respondent violated the following laws and regulations:

1 a. Respondent violated Health and Safety code section 44012, subdivision (f), in the
2 Respondent failed to perform a smog check on the Dodge according to the procedures prescribed
3 by the department. Respondent failed to perform a proper visual inspection.

4 b. Respondent violated Health and Safety code section 44015, subdivision (a)(1), in that
5 Respondent issued a certificate of compliance to a vehicle that had been tampered with.

6 c. Respondent violated health and Safety Code Section 44059 by willful making false
7 statements in issuing the Smog Certificate of compliance and on the Vehicle Inspection Reports

8 d. Respondent violated California Code of Regulations, Title 16, section 3340.24,
9 subdivision (c), in that Respondent falsely issued a certificate of compliance to the vehicle.

10 e. Respondent violated California Code of Regulations, Title 16, section 3340.35,
11 subdivision (c), in that Respondent issued a certificate of compliance to a vehicle that did not
12 have all the required emission control equipment and devices installed and functioning correctly.

13 f. Respondent violated California Code of Regulations, Title 16, section 3340.42,
14 subdivision (b) in that Respondent failed to perform a proper visual inspection of the vehicle.

15 g. Respondent violated California Code of Regulations, Title 16, section 3340.42 in
16 conjunction with California Code of Regulations, Title 16, section 3340.45, subdivision (b), in
17 that Respondent failed to perform a proper visual inspection on the Honda as prescribed in the
18 Smog Check Manual.

19 **DISCIPLINE CONSIDERATIONS**

20 41. To determine the degree of discipline, if any, to be imposed on Respondent Amir
21 Saifullah Shah, Complainant alleges that on or about November 17, 2017, in a prior disciplinary
22 action titled In the Matter of the Accusation Against Amir Saifullah Shah, Bureau of Automotive
23 Repair Case Number 79/16-7674, Respondent's ARD and Smog Station License (for Golden Star
24 Smog) were revoked. However, the revocations were stayed and respondent was placed on
25 probation for two years. That decision is now final.

26 42. To determine the degree of discipline, if any, to be imposed on Respondent Amir
27 Saifullah Shah, Complainant alleges that on or about January 10, 2018, a Program Representative
28 conducted a Probation Conference with Respondent. During this conference, Respondent was

1 warned that failure to comply with the Automotive Repair Act, the Smog Check Program, and
2 other applicable laws and regulations may result in disciplinary action.

3 43. To determine the degree of discipline, if any, to be imposed on Respondent Amir
4 Saifullah Shah, Complainant alleges that on or about February 13, 2019, the Bureau issued
5 Citation M2019-798 to Respondent as a Licensed Smog Check Inspector at Golden Star Smog.
6 The cause for the citation was issuing a Smog Check Certificate of Compliance to a BAR
7 undercover vehicle with a missing Positive Crankcase Ventilation (PCV) valve and hose
8 assembly. That citation is now final.

9 44. To determine the degree of discipline, if any, to be imposed on Respondent Amir
10 Saifullah Shah, Complainant alleges that on or about May 8, 2019, the Bureau issued Citation
11 C2019-1109 to Respondent as the owner of Pittsburg Smog. The cause for the citation was
12 issuing a Smog Check Certificate of Compliance to a BAR undercover vehicle with an
13 unapproved aftermarket performance device. That citation is now final.

14 45. To determine the degree of discipline, if any, to be imposed on Respondent Amir
15 Saifullah Shah, Complainant alleges that on or about January 6, 2020, in a prior disciplinary
16 action titled In the Matter of the Accusation and Petition to Revoke Probation Against Amir
17 Saifullah Shah, Bureau of Automotive Repair Case Number 79/18-19457, Respondent's ARDs
18 and Smog Station Licenses (for both Golden Star Smog and Pittsburg Smog) were revoked.
19 However, the revocations were stayed and respondent's probation for Golden Star Smog was
20 continued for two additional years. The ARD and Smog License for Pittsburg smog were placed
21 on the same terms of probation as Golden Star Smog. That decision is now final.

22 46. To determine the degree of discipline, if any, to be imposed on Respondent Amir
23 Saifullah Shah, Complainant alleges that on or about February 13, 2020, a Program
24 Representative conducted a Probation Conference with Respondent. During this conference,
25 Respondent was warned that failure to comply with Automotive Repair Act, the Smog Check
26 Program, and other applicable laws and regulations may result in disciplinary action.

27 **OTHER MATTERS**

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8. Ordering Amir Saifullah Shah 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; and,

9. Taking such other and further action as deemed necessary and proper.

DATED: As of Digital Signature Date

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

SF2022400021
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