

**BEFORE THE DIRECTOR OF THE
DEPARTMENT OF CONSUMER AFFAIRS
BUREAU OF AUTOMOTIVE REPAIR
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

AMIR SAIFULLAH SHAH dba GOLDEN STAR SMOG

2484 Olivera Road

Concord, CA 94520

Mailing Address:

2505 Bugle Way

Antioch, CA 94531

Automotive Repair Dealer Registration No. ARD 266219

Smog Check Test Only Station License No. TC 266219

AMIR SAIFULLAH SHAH dba PITTSBURG SMOG

901 East 14th St.

Pittsburg, CA 94565

Mailing Address:

2505 Bugle Way

Antioch, CA 94531

Automotive Repair Dealer Registration 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

Respondents.

Case No. 79/21-13045

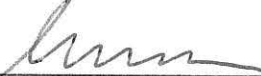
OAH No. 2022110229

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby accepted and adopted by the Director of the Department of Consumer Affairs as the Decision in the above-entitled matter.

This Decision shall become effective on June 2, 2023.

DATED: April 10, 2023



GRACE ARUPO RODRIGUEZ
Assistant Deputy Director
Legal Affairs Division
Department of Consumer Affairs

1 ROB BONTA
Attorney General of California
2 CHAR SACHSON
Supervising Deputy Attorney General
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7

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

11 In the Matter of the Accusation Against:
12 **AMIR SAIFULLAH SHAH**
13 **dba GOLDEN STAR SMOG**
2484 Olivera Road
Concord, CA 94520
14 **Mailing Address:**
15 2505 Bugle Way
Antioch, CA 94531
16 **Automotive Repair Dealer No. ARD 266219**
17 **Smog Check Test Only Station License No. TC 266219**
18 **AMIR SAIFULLAH SHAH**
19 **dba PITTSBURG SMOG**
901 East 14th St.
20 Pittsburg CA 94565
21 **Mailing Address:**
22 2505 Bugle Way
Antioch, CA 94531
23 **Automotive Repair Dealer No. ARD 250761**
Smog Check Test Only Station License No. TC 250761
24 **AMIR S. SHAH**
25 2505 Bugle Way
Antioch, CA 94531
26 **Smog Check Inspector License No. EO 154238**
27
28

Case No. 79/21-13045
OAH No. 2022110229
**STIPULATED
SETTLEMENT AND
DISCIPLINARY ORDER**

Respondent.

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

3 PARTIES

4 1. Patrick Dorais (Complainant) is the Chief of the Bureau of Automotive Repair
5 (Bureau). He brought this action solely in his official capacity and is represented in this matter by
6 Rob Bonta, Attorney General of the State of California, by Justin R. Surber, Deputy Attorney
7 General.

8 2. Respondent Amir Saifullah Shah (Respondent) is represented in this proceeding by
9 attorney William Ferreira , whose address is: 580 California Street, Ste 1200, San Francisco, CA
10 94104

11 3. On or about August 11, 2011, the Bureau issued Automotive Repair Dealer
12 Registration No. ARD 266219 to Respondent dba Golden Star Smog. The Automotive Repair
13 Dealer Registration will expire on August 31, 2023, unless renewed.

14 4. On or about August 25, 2011, the Bureau issued Smog Check, Test Only, Station
15 License No. TC 266219 to Respondent dba Golden Star Smog. The Smog Check, Test Only,
16 Station License will expire on August 31, 2023, unless renewed.

17 5. On or about January 17, 2013, Smog Check, Test Only, Station License No. TC
18 266219 was certified as a STAR Station.

19 6. In 2007, the Bureau issued Automotive Repair Dealer Registration No. ARD 250761
20 to Respondent dba Pittsburg Smog. The Automotive Repair Dealer Registration will expire on
21 April 30, 2023, unless renewed.

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

25 8. On or about February 1, 2013, Smog Check, Test Only, Station License No. TC
26 250761 was certified as a STAR Station.

27 9. In 2007, the Bureau of Automotive Repair issued Advanced Emission Specialist
28 Technician License Number EA154238 to Respondent. The license was cancelled on June 4,

1 2013. The license was renewed pursuant to Respondent's election as a Smog Check Inspector
2 License No. EO154238, effective June 4, 2013.¹ The Smog Check Inspector License will expire
3 on March 31, 2025, unless renewed.

4 **JURISDICTION**

5 10. Accusation No. 79/21-13045 was filed before the Director of the Department of
6 Consumer Affairs (Bureau), for the Bureau of Automotive Repair, and is currently pending
7 against Respondent. The Accusation and all other statutorily required documents were properly
8 served on Respondent on June 15, 2022. Respondent timely filed his Notice of Defense
9 contesting the Accusation.

10 11. A copy of Accusation No. 79/21-13045 is attached as exhibit A and incorporated
11 herein by reference.

12 **ADVISEMENT AND WAIVERS**

13 12. Respondent has carefully read, fully discussed with counsel, and understands the
14 charges and allegations in Accusation No. 79/21-13045. Respondent has also carefully read, fully
15 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
16 Order.

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

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

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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.

1 CULPABILITY

2 15. Respondent admits the truth of each and every charge and allegation in Accusation
3 No. 79/21-13045.

4 16. Respondent agrees that his Automotive Repair Dealer Registrations, Smog Check
5 Station Licenses, and Smog Check Inspector License are subject to discipline and he agrees to be
6 bound by the Director's probationary terms as set forth in the Disciplinary Order below.

7 17. Respondent is aware and agrees that once the probation order imposing discipline on
8 his Automotive Repair Dealer Registrations and Smog Check Station Licenses become final and
9 non-appealable pursuant to the order below, cause will exist to suspend both of Respondent's
10 STAR Certifications pursuant to California Code of Regulations, Title 16, section 3392.3,
11 subdivision (a)(5).

12 CONTINGENCY

13 18. This stipulation shall be subject to approval by the Director or the Director's designee.
14 Respondent understands and agrees that counsel for Complainant and the staff of the Bureau of
15 Automotive Repair may communicate directly with the Director and staff of the Department of
16 Consumer Affairs regarding this stipulation and settlement, without notice to or participation by
17 Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he
18 may not withdraw his agreement or seek to rescind the stipulation prior to the time the Director
19 considers and acts upon it. If the Director fails to adopt this stipulation as the Decision and
20 Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for
21 this paragraph, it shall be inadmissible in any legal action between the parties, and the Director
22 shall not be disqualified from further action by having considered this matter.

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

26 20. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
27 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
28 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,

1 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
2 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
3 writing executed by an authorized representative of each of the parties.

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

7 **DISCIPLINARY ORDER**

8 **IT IS HEREBY ORDERED** that Automotive Repair Dealer Registration No. ARD266219
9 and Smog Check Station License No. TC266219 issued to Amir Saifullah Shah dba Golden Star
10 Smog are revoked.

11 **IT IS HEREBY ORDERED** that Automotive Repair Dealer Registration No. 250761 and
12 Smog Check Station License No. 250761 issued to Amir Saifullah Shah dba Pittsburg Smog are
13 revoked.

14 **IT IS HEREBY ORDERED** that Smog Check Inspector (EO) License No. 154238 issued
15 to Amir Saifullah Shah is revoked.

16 However, the revocations are stayed and Respondent is placed on probation for three (3)
17 years on the following terms and conditions:

18 1. **Obey All Laws.** During the period of probation, Respondent shall comply with all
19 federal and state statutes, regulations and rules governing all BAR registrations and licenses held
20 by Respondent.

21 2. **Posting of Sign.** During the period of suspension, Respondent shall prominently post
22 a sign or signs, provided by BAR, indicating the beginning and ending dates of the suspension
23 and indicating the reason for the suspension. The sign or signs shall be conspicuously displayed
24 in a location or locations open to and frequented by customers. The location(s) of the sign(s) shall
25 be approved by BAR and shall remain posted during the entire period of actual suspension.

26 3. **Quarterly Reporting.** During the period of probation, Respondent shall report either
27 by personal appearance or in writing as determined by BAR on a schedule set by BAR, but no
28 more frequently than once each calendar quarter, on the methods used and success achieved in

1 maintaining compliance with the terms and conditions of probation.

2 4. **Report Financial Interests.** Respondent shall, within 30 days of the effective date
3 of the decision and within 30 days from the date of any request by BAR during the period of
4 probation, report any financial interest which any Respondent or any partners, officers, or owners
5 of any Respondent facility may have in any other business required to be registered pursuant to
6 Section 9884.6 of the Business and Professions Code.

7 5. **Access to Examine Vehicles and Records.** Respondent shall provide BAR
8 representatives unrestricted access to examine all vehicles (including parts) undergoing service,
9 inspection, or repairs, up to and including the point of completion. Respondent shall also provide
10 BAR representatives unrestricted access to all records pursuant to BAR laws and regulations.

11 6. **Tolling of Probation.** If, during probation, Respondent leaves the jurisdiction of
12 California to reside or do business elsewhere or otherwise ceases to do business in the jurisdiction
13 of California, Respondent shall notify BAR in writing within 10 days of the dates of departure
14 and return, and of the dates of cessation and resumption of business in California. All provisions
15 of probation other than cost reimbursement requirements, restitution requirements, training
16 requirements, and that Respondent obey all laws, shall be held in abeyance during any period of
17 time of 30 days or more in which Respondent is not residing or engaging in business within the
18 jurisdiction of California. All provisions of probation shall recommence on the effective date of
19 resumption of business in California. Any period of time of 30 days or more in which Respondent
20 is not residing or engaging in business within the jurisdiction of California shall not apply to the
21 reduction of this probationary period or to any period of actual suspension not previously
22 completed. Tolling is not available if business or work relevant to the probationary license or
23 registration is conducted or performed during the tolling period.

24 7. **Violation of Probation.** If Respondent violates or fails to comply with the terms and
25 conditions of probation in any respect, the Director, after giving notice and opportunity to be
26 heard may set aside the stay order and carry out the disciplinary order provided in the decision.
27 Once Respondent is served notice of BAR's intent to set aside the stay, the Director shall maintain
28 jurisdiction, and the period of probation shall be extended until final resolution of the matter.

1 8. **Maintain Valid License.** Respondent shall, at all times while on probation, maintain
2 a current and active registration and/or license(s) with BAR, including any period during which
3 suspension or probation is tolled. If Respondent's registration or license is expired at the time the
4 decision becomes effective, the registration or license must be renewed by Respondent within 30
5 days of that date. If Respondent's registration or license expires during a term of probation, by
6 operation of law or otherwise, then upon renewal Respondent's registration or license shall be
7 subject to any and all terms and conditions of probation not previously satisfied. Failure to
8 maintain a current and active registration and/or license during the period of probation shall also
9 constitute a violation of probation.

10 9. **Cost Recovery.** Respondent shall pay the Bureau of Automotive Repair \$7,184.52
11 for the reasonable costs of the investigation and enforcement of case No. 79/21-13045. Costs are
12 to be paid in 30 monthly payments. The first 29 monthly payments shall be \$239.48 and the final
13 payment shall be \$239.60. Respondent shall make payment by check or money order payable to
14 the Bureau of Automotive Repair and shall indicate on the check or money order that it is for cost
15 recovery payment for case No. 79/21-13045. Any order for payment of cost recovery shall
16 remain in effect whether or not probation is tolled. Probation shall not terminate until full cost
17 recovery payment has been made. BAR reserves the right to pursue any other lawful measures in
18 collecting on the costs ordered and past due, in addition to taking action based upon the violation
19 of probation.

20 10. **Completion of Probation.** Upon successful completion of probation, Respondent's
21 affected registration and/or license will be fully restored or issued without restriction, if
22 Respondent meets all current requirements for registration or licensure and has paid all
23 outstanding fees, monetary penalties, or cost recovery owed to BAR.

24 11. **License Surrender.** Following the effective date of a decision that orders a stay of
25 invalidation or revocation, if Respondent ceases business operations or is otherwise unable to
26 satisfy the terms and conditions of probation, Respondent may request that the stay be vacated.
27 Such request shall be made in writing to BAR. The Director and the BAR Chief reserve the right
28 to evaluate the Respondent's request and to exercise discretion whether to grant the request or

1 take any other action deemed appropriate or reasonable under the circumstances. Upon formal
2 granting of the request, the Director will vacate the stay order and carry out the disciplinary order
3 provided in the decision. Respondent may not petition the Director for reinstatement of the
4 surrendered registration and/or license, or apply for a new registration or license under the
5 jurisdiction of BAR at any time before the date of the originally scheduled completion of
6 probation. If Respondent applies to BAR for a registration or license at any time after that date,
7 Respondent must meet all current requirements for registration or licensure and pay all
8 outstanding fees or cost recovery owed to BAR and left outstanding at the time of surrender.

9 12. **Actual Suspension.** Automotive Repair Dealer Registration No. ARD266219, Smog
10 Check Station License No. TC266219, Automotive Repair Dealer Registration No. 250761, Smog
11 Check Station License No. 250761 and Smog Check Inspector (EO) License No. 154238 all
12 issued to Respondent Amir Saifullah Shah are suspended for 5 consecutive days beginning on the
13 effective date of the Decision and Order.

14 **IT IS HEREBY FURTHER ORDERED:** The STAR Certifications of Station License No. TC
15 266219 and Station License No. TC 250761, both issued to Respondent Amir Saifullah Shah, are
16 hereby suspended under the following terms and conditions:

17 1. **Suspension.** Respondent's STAR certifications shall be Suspended for a period of 90
18 consecutive days beginning on the effective date of the Decision and Order. During the period of
19 suspension, Respondent shall cease advertising as a STAR station and shall cover or remove all
20 STAR signage. During the period of suspension, Respondent shall not perform any repairs under
21 the Consumer Assistance Program.

22 2. **Automatic Reinstatement.** Upon successful completion of the 90-day suspension,
23 Respondent's STAR Certifications shall be fully restored without reapplication for a STAR
24 certification.

25 3. **Posting of Sign.** During the period of suspension, Respondent shall prominently post
26 a sign or signs, provided by BAR, indicating the beginning and ending dates of the suspension
27 and indicating the reason for the suspension. The sign or signs shall be conspicuously displayed
28

1 in a location or locations open to and frequented by customers. The location(s) of the sign(s) shall
2 be approved by BAR and shall remain posted during the entire period of actual suspension.

3 ACCEPTANCE

4 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
5 discussed it with my attorney, William Ferreira. I understand the stipulation and the effect it will
6 have on my Automotive Repair Dealer Registrations, Smog Check Station Licenses, and Smog
7 Check Inspector (EO) License. I enter into this Stipulated Settlement and Disciplinary Order
8 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
9 Director of the Department of Consumer Affairs.

10
11 DATED: 3-7-23 Amir Shah
12 AMIR SAIFULLAH SHAH
13 Respondent
14

15 I have read and fully discussed with Respondent Amir Saifullah Shah, the terms and
16 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
17 I approve its form and content.

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19 DATED: 3-7-23 William Ferreira
20 WILLIAM FERREIRA
21 Attorney for Respondent
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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Director of the Department of Consumer Affairs.

DATED: 2/7/23

Respectfully submitted,

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