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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:

Case Number: 79/17-1226

A C C U S A T I O N

**CHEVREM CORPORATION
d.b.a QUICK STAR SMOG
FATIH TEKIN, PRESIDENT/SECRETARY/
TREASURER
3725 San Leandro Street
Oakland, CA 94601**

**Automotive Repair Dealer No. ARD 248804
Smog Check, Test Only, License No. TC 248804**

**FATIH TEKIN
5200 Telegraph Avenue
Oakland, CA 94609**

**Mailing address:
121 Diamond Court
Hercules, CA 94547**

Smog Check Inspector License No. EO 26524

**EREN KARADELI
2527 Dwight Way #3
Berkeley, CA 94704**

Smog Check Inspector License No. EO 633764

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1 **UGUR UZUNSOY**
2 **3725 San Leandro Street**
3 **Oakland, CA 94601**

4 **Smog Check Inspector License No. EO 630349**
5 **Brake Adjuster License No. BA 630349, class A**
6 **Lamp Adjuster License No. LA 630349, class A**

Respondents.

7
8 Complainant alleges:

9 **PARTIES**

10 1.e Patrick Dorais (Complainant) brings this Accusation solely in his official capacity as
11 the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs.

12 **Automotive Repair Dealer Registration – Respondent Chevrem Corporation**

13 2. In 2007, the Bureau of Automotive Repair (Bureau) issued Automotive Repair Dealer
14 Registration Number ARD 248804 (Registration) to Chevrem Corporation, Fatih Tekin,
15 President/Secretary/Treasurer d.b.a. Berkeley Star Smog Check (Respondent Chevrem). On
16 January 25, 2019, Respondent submitted a Change of Name/Address/Corporate Officers or
17 Directors form to change the business name from Berkeley Star Smog Check, located at 2959 San
18 Pablo Avenue, Berkeley, CA 94702, to Quick Star Smog, located at 3725 San Leandro Street,
19 Oakland, CA 94601. The Automotive Repair Dealer Registration Number ARD 248804 was not
20 changed at the time the name change from Berkeley Star Smog Check to Quick Star Smog was
21 requested. The name change became effective on February 7, 2019. The Registration was in full
22 force and effect at all times relevant to the charges brought herein and will expire on January 31,
23 2020, unless renewed.

24 **Smog Check Test Only Station License – Respondent Chevrem Corporation**

25 3.e On or about March 2, 2007, the Bureau issued Smog Check, Test Only, Station
26 License Number TC 248804 to Respondent Chevrem. On January 25, 2019, Respondent
27 submitted a Change of Name/Address/Corporate Officers or Directors form to change the
28 business name from Berkeley Star Smog Check, located at 2959 San Pablo Avenue, Berkeley,

1 CA 94702, to Quick Star Smog, located at 3725 San Leandro Street, Oakland, CA 94601. The
2 Automotive Repair Dealer Registration Number ARD 248804 was not changed at the time the
3 name change from Berkeley Star Smog Check to Quick Star Smog was requested. The name
4 change became effective on February 7, 2019. The License was in full force and effect at all times
5 relevant to the charges brought herein and will expire on January 31, 2020, unless renewed.

6 4. On or about January 8, 2013, the Bureau issued a STAR Certificate to Respondente
7 Chevrem. The STAR Certificate was in full force and effect at all times relevant to the charges
8 brought herein and will remain active unless the Automotive Repair Dealer registration and/or
9 Smog Check Station license is revoked, canceled, licenses become delinquent or certification is
10 invalidated.

11 **Smog Check Inspector Licenses**

12 5.e In 2003, the Bureau issued Advanced Emission Specialist Technician Licensee
13 Number EA 26524 to Fatih Tekin (Respondent Tekin). The Advanced Emission Specialist
14 Technician License expired on January 30, 2014. Pursuant to California Code of Regulations, title
15 16, section 3340.28, subdivision (e), the license was renewed, pursuant to Respondent's election,
16 as Smog Check Inspector License Number EO 26524, effective January 30, 2014.¹ The Smog
17 Check Inspector License was in full force and effect at all times relevant to the charges brought
18 herein and will expire on January 31, 2020, unless renewed.

19 6.e On or about October 31, 2011, the Bureau issued Advanced Emission Specialiste
20 Technician License Number EA 633764 to Eren Karadeli (Respondent Karadeli). The Advanced
21 Emission Specialist Technician License was cancelled on October 16, 2013. Pursuant to
22 California Code of Regulations, title 16, section 3340.28, subdivision (e), the license was
23 renewed, pursuant to Respondent's election, as Smog Check Inspector License Number EO
24 633764; effective October 16, 2013. The Smog Check Inspector License was in full force and
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27 ¹ Effective August 1, 2012, California Code of Regulations, title 16, 3340.28, 3340.29 and
28 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 effect at all times relevant to the charges brought herein; it expired on September 30, 2017, and
2 has not been renewed.

3 7.e On July 25, 2008, the Bureau issued Advanced Emission Specialist Technician
4 License Number EA 630349 to Ugur Uzunsoy (Respondent Uzunsoy). The Advanced Emission
5 Specialist Technician License was due to expire on July 31, 2012, however, the license was
6 cancelled on July 24, 2012. Pursuant to California Code of Regulations, title 16, section 3340.28,
7 subdivision (e), the license was renewed, pursuant to Respondent's election, as Smog Check
8 Inspector License Number EO 630349; effective July 24, 2012. The Smog Check Inspector
9 License was in full force and effect at all times relevant to the charges brought herein and will
10 expire on July 31, 2020, unless renewed.

11 8.e On November 5, 2012, the Bureau issued Brake Adjuster License Number BAe
12 630349, class A to Respondent Uzunsoy. The Brake Adjuster License was in full force and effect
13 at all times relevant to the charges brought herein and will expire on July 31, 2022, unless
14 renewed.

15 9. On February 4, 2013, the Bureau issued Lamp Adjuster License Number LA 630349,e
16 class A to Respondent Uzunsoy. The Lamp Adjuster License was in full force and effect at all
17 times relevant to the charges brought herein and will expire on July 31, 2022, unless renewed.

18 JURISDICTION

19 10.e This Accusation is brought before the Director of the Department of Consumere
20 Affairs (Director) for the Bureau of Automotive Repair, under the authority of the following laws.

21 11.e Business and Professions Code (Code) section 118, subdivision(b) states that "thee
22 suspension, expiration, or forfeiture by operation of law of a license issued by a board in the
23 department, or its suspension, forfeiture, or cancellation by order of the board or by order of a
24 court of law, or its surrender without the written consent of the board, shall not, during any period
25 in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to
26 institute or continue a disciplinary proceeding against the licensee upon any ground provided by
27 law or to enter an order suspending or revoking the license or otherwise taking disciplinary action
28 against the licensee on any such ground."

1 12.e Code section 9884.13 provides, in pertinent part, that the expiration of a valide
2 registration shall not deprive the director or chief of jurisdiction to proceed with a disciplinary
3 proceeding against an automotive repair dealer or to render a decision invalidating a registration
4 temporarily or permanently.

5 **STATUTORY AND REGULATORY PROVISIONS**

6 13.e Section 9884.7 of the Code states, in pertinent part:e

7 (a)eThe director, where the automotive repair dealer cannot show there was a bona fidee
8 error, may deny, suspend, revoke, or place on probation the registration of an automotive repair
9 dealer for any of the following acts or omissions related to the conduct of the business of the
10 automotive repair dealer, which are done by the automotive repair dealer or any automotive
11 technician, employee, partner, officer, or member of the automotive repair dealer.

12 (1)eMaking or authorizing in any manner or by any means whatever any statement writtene
13 or oral which is untrue or misleading, and which is known, or which by the exercise of reasonable
14 care should be known, to be untrue or misleading.

15 . . .

16 (4)eAny other conduct that constitutes fraud.e

17 . . .

18 (6)eFailure in any material respect to comply with the provisions of this chapter ore
19 regulations adopted pursuant to it.

20 . . .

21 (c)eNotwithstanding subdivision (b), the director may suspend, revoke, or place one
22 probation the registration for all places of business operated in this state by an automotive repair
23 dealer upon a finding that the automotive repair dealer has, or is, engaged in a course of repeated
24 and willful violations of this chapter, or regulations adopted pursuant to it.

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1 14.e Section **44002** of the Health and Safety Code provides, in pertinent part, that the
2 Director has all the powers and authority granted under the Automotive Repair Act for enforcing
3 the Motor Vehicle Inspection Program.

4 15.e Section **44012** of the Health and Safety Code, in pertinent part, states:e

5 "The test at the smog check stations shall be performed in accordance with procedures
6 prescribed by the department, pursuant to Section 44013, shall require, at a minimum, loaded
7 mode dynamometer testing in enhanced areas, and two-speed testing in all other program areas,
8 and shall ensure all of the following:

9 . . .

10 "(f) A visual or functional check is made of emission control devices specified by the
11 department, including the catalytic converter in those instances in which the department
12 determines it to be necessary to meet the findings of Section 44001. The visual or functional
13 check shall be performed in accordance with procedures prescribed by the department.

14 . . . "

15 16.e Section **44015** of the Health and Safety Code, subdivision (b) provides that if a
16 vehicle meets the requirements of Section 44012, a smog check station licensed to issue
17 certificates shall issue a certificate of compliance or a certificate of noncompliance.

18 17.e Section **44032** of the Health and Safety Code, provides that no person shall perform,e
19 for compensation, tests or repairs of emission control devices or systems of motor vehicles
20 required by this chapter unless the person performing the test or repair is a qualified smog check
21 technician and the test or repair is performed at a licensed smog check station. Qualified
22 technicians shall perform tests of emission control devices and systems in accordance with
23 Section 44012.

24 18.e Section **44059** of the Health and Safety Code states, in pertinent part:e

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

1 19.e Section **44072.2** of the Health and Safety Code states, in pertinent part:e

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

5 "(a) Violates any section of this chapter [the Motor Vehicle Inspection Program (Health
6 and Saf. Code, § 44000, et seq.)] and the regulations adopted pursuant to it, which related to the
7 licensed activities.

8 . . .

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

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

11 . . .

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

14 20.e Section **44072.6** of the Health and Safety Code provides, in pertinent part, that thee
15 expiration or suspension of a license by operation of law, or by order or decision of the Director
16 of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive
17 the Director of jurisdiction to proceed with disciplinary action.

18 21.e Section **44072.8** of the Health and Safety Code states:e

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

22 22.e Section **44072.10, subdivision (c)** of the Health and Safety Code states:e

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

26 (1) Clean piping, as defined by the department. . ."e

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1 23.a California Code of Regulations, title 16, section **3340.24, subdivision (c)** states:a

2 "(c) The bureau may suspend or revoke the license of or pursue other legal action against a
3 licensee, if the licensee falsely or fraudulently issues or obtains a certificate of compliance or a
4 certificate of noncompliance."

5 24.a California Code of Regulations, title 16, section **3340.30, subdivision (a)** states:a

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

8 "(a) Inspect, test and repair vehicles, as applicable, in accordance with section 44012 of the
9 Health and Safety Code, section 44035 of the Health and Safety Code, and section 3340.42 of this
10 article."

11 . . .

12 25.a California Code of Regulations, title 16, section **3340.35, subdivision (c)** states:a

13 "(c) A licensed station shall issue a certificate of compliance or noncompliance to the
14 owner or operator of any vehicle that has been inspected in accordance with the procedures
15 specified in section 3340.42 of this article and has all the required emission control equipment
16 and devices installed and functioning correctly. The following conditions shall apply:

17 "(1) Customers shall be charged the same price for certificates as that paid by the licensed
18 station; and

19 "(2) Sales tax shall not be assessed on the price of certificates.

20 . . . "

21 26.a California Code of Regulations, title 16, section **3340.41, subdivision (c)** states:a

22 "(c) No person shall enter into the emissions inspection system any vehicle identification
23 information or emission control system identification data for any vehicle other than the one
24 being tested. Nor shall any person knowingly enter into the emissions inspection system any false
25 information about the vehicle being tested."

26 27.a California Code of Regulations, title 16, section **3340.42, subdivision (b)(2)**, states,a
27 in pertinent part that "Smog check inspection methods are prescribed in the Smog Check Manual,
28 referenced by section 3340.45."

(b) In addition to subsection (a), all vehicles subject to the smog check program shall receive the following:

(1) A visual inspection of emission control components and systems to verify the vehicle's emission control systems are properly installed.

(2) A functional inspection of emission control systems as specified in the Smog Check Manual, referenced by section 3340.45, which may include an OBD test, to verify their proper operation.

...

28.o 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 Inspection Procedures Manual, dated August 2009, which is hereby incorporated by reference. This manual shall be in effect until subparagraph (2) is implemented.

(2) Smog Check Manual, dated 2013, which is hereby incorporated by reference. This manual shall become effective on or after January 1, 2013.

29.o California Code of Regulations, title 16, **section 3373** states:

"No automotive repair dealer or individual in charge shall, in filling out an estimate, invoice, or work order, or record required to be maintained by section 3340.15(e) of this chapter, withhold therefrom or insert therein any statement or information which will cause any such document to be false or misleading, or where the tendency or effect thereby would be to mislead or deceive customers, prospective customers, or the public."

COSTS

30.o Section **125.3** of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee 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, with failure of the licensee to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

FACTUAL SUMMARY

31.e California's Smog Check Program requires the owners of most motor vehicles in California to take and pass a Smog Check inspection and receive a Certificate of Compliance every two years when renewing their registration and also when the vehicle's title is transferred. These inspections are performed by Smog Check inspectors at Smog Check Stations, both of which are licensed by the Bureau.

32. The Smog Check inspection in certain Enhanced areas of the state is an Acceleration Simulation Mode (ASM) test performed using an Emission Inspection System (EIS), also known as a BAR 97. This is a computer based five-gas analyzer that measures hydrocarbons, carbon monoxide, oxides of nitrogen, carbon dioxide, and oxygen. The inspection involves a test of the vehicle's tailpipe emissions on a dynamometer. In Basic areas of the state, or depending on a vehicle's configuration (all-wheel drive, traction control issue), a similar test called a Two Speed Idle (TSI) test is performed, but instead of applying a load to the vehicle's drive wheels with a dynamometer, the EIS measures the emissions at idle as well as 2500 revolutions per minute (RPM).

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

34.e On March 9, 2015, the Bureau implemented a statewide regulatory change requiring the use of the On Board Diagnostic Inspection System (BAR-OIS) instead of the Emission Inspection System (EIS) for the smog testing of 2000 model year and newer gas powered and 1998 and newer diesel vehicles. Most older vehicles require the ASM or TSI test on the EIS.

35.e The new BAR-OIS smog inspection uses a Data Acquisition Device (DAD), a computer, a bar code scanner, and printer. The DAD is a scan tool that retrieves data from a

1 vehicle's On Board Diagnostic-generation II (OBD II) computer. The DAD connects the BAR
2 OIS computer to the vehicle's diagnostic link connector (DLC) to retrieve the data from the
3 vehicle. The bar code scanner is used to input technician information, the vehicle identification
4 number (VIN), and DMV renewal information. The printer is used to print Vehicle Inspection
5e Reports.

6e 36.e Data retrieved and recorded during a BAR-OIS smog check includes: the eVIN,e
7 which is the digitally stored VIN programmed into the vehicle's Powertrain Control Module
8 (PCM); the communication protocol, which is the manufacturer/vehicle's specific "language" the
9 PCM uses to relay information; and the number of Parameter Identifications (PIDs), which is the
10 number of specific data values each PCM uses related to emissions controls.

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

19 38.e The Bureau can access the VID to view test data on smog check inspectionse
20 performed at any Smog Check Station, or search for, retrieve, and print a test record for a
21 particular vehicle which has been tested.

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

26 40.e One method is known as "clean plugging." Clean plugging is the act of using once
27 vehicle's properly functioning OBDII system, or another source, to generate passing data readings
28 or diagnostic information for the purpose or fraudulently issue a smog certificate of compliance to

1 a vehicle that is not in smog compliance and/or not present for testing. The vehicle being tested is
2 not the one being issued the certificate of compliance.

3 41.e The Bureau initiated an investigation of Respondent Chevrem. Beginning on or about
4 December 4, 2014 and continuing until about May 9, 2016 Respondents² were found to have
5 performed three fraudulent smog inspections using clean-plugging methods at Respondent
6 Chevrem's Smog Check Station. Clean-plugging is the practice of testing one OBD II system (a
7 system that would pass the smog inspection), for the purpose of fraudulently issuing a smog
8 certificate of compliance to another vehicle that would not pass the smog inspection and/or is not
9 present for testing. The vehicle receiving the certificate of compliance is not actually tested
10 during the smog inspection.

11 42.e A Bureau representative reviewed data for three clean plugged vehicles inspected by
12 Respondents Karadeli, and Uzunsoy and certified by Respondent Chevrem's Smog Check
13 Station. The data revealed that the three vehicles that were purportedly tested by Respondents
14 were not and could not have been connected to the DAD when they were being certified because
15 the OBD-II data purportedly transmitted by those vehicles could not have been transmitted by
16 those vehicles.

17 43.e Respondent Karadeli and Respondent Uzunsoy clean plugged and issued fraudulent
18 certificates of compliance to the following three vehicles:

19 a) Clean Plug# 1 - 2003 Honda Accord LX, VIN:1HGCM72283A029660, CA licensee
20 number 5UUE801, performed by Respondent Karadeli on December 4, 2014:

21

22 Certificate # YL825671C	eVIN	Protocol	PID count
23 Fraudulent Passing Inspection (12/04/2014)	1HGFA16557L017550	ICAN29bt5	<u>39/19</u>
24 Expected OBDII Value	Not Reported	I914	<u>20</u>

25
26
27

28 ² Respondent Karadeli and Respondent Uzunsoy performed the smog tests on behalf of Respondent Chevrem.

b)e Clean Plug #2 – 2007 Volkswagen New GTI, VIN: WVWHV71K27W185205,e
CA license number 6SAZ694, performed by Respondent Uzunsoy on April 21, 2015:

Certificate #	eVIN	Protocol	PID count
PQ650982C			
Fraudulent Passing Inspection (04/21/2015)	3VWRZ7AJOAM113326	ICAN11bt5	<u>40/14</u>
Expected OBDII Value	WVWHV71K27W185205	ICAN11bt5e	<u>37/14</u>

c)e Clean Plug #3 – 2003 Saturn VUE, VIN: 5GZCZ63B13S837088, CA licensee
number 5AAF187, performed by Respondent Karadeli on May 9, 2016:

Certificate #	eVIN	Protocol	PID count
ZD481928C			
Fraudulent Passing Inspection (05/09/2016)	1LNHM81WXY908893	JPWM	<u>20</u>
Expected OBDII Value	5GZCZ63B13S837088	KWPF	<u>22 or 22/3</u>

FIRST CAUSE FOR DISCIPLINE
(Misleading Statements - Registration)

44.e Respondent Chevrem has subjected its registration to discipline under Code section 9884.7, subdivision (a)(1), in that it made statements which it knew or which by exercise of reasonable care it should have known were untrue or misleading, as set forth above in paragraphs 41-43, above. Respondent Karadeli and Respondent Uzunsoy fraudulently purported to test thee three vehicles, and certified that the three vehicles passed inspection and were in compliance with applicable laws and regulations. In fact, Respondent Karadeli and Respondent Uzunsoy conducted the inspections on those vehicles using clean-plugging methods.

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SECOND CAUSE FOR DISCIPLINE
(Fraud - Registration)

45.e Respondent Chevrem has subjected its registration to discipline under Code section 9884.7, subdivision (a)(4), in that it committed acts which constitute fraud, as set forth above in paragraphs 41-43, above.

THIRD CAUSE FOR DISCIPLINE
(Failure to Comply with the Provisions of the Automotive Repair Act)

46.e Respondent Chevrem has subjected its registration to discipline under Code section 9884.7, subdivision (a)(6), in that it failed in a material respect to comply with the provisions of this chapter or regulations adopted, as set forth above in paragraphs 41-43, above.

FOURTH CAUSE FOR DISCIPLINE
(Violation of the Motor Vehicle Inspection Program – Smog Station License)

47.e Respondent Chevrem has subjected its station license to discipline under Health and Safety Code sections 44072.10 and 44072.2, subdivisions (a) and (c), in that it violated sections of that Code and applicable regulations, as set forth above in paragraphs 40-42, as follows:

a. **Section 44012:** Respondent Chevrem failed to ensure that the emission control tests were performed on those vehicles in accordance with procedures prescribed by the department.

b. **Section 44012, subdivision (f):** Respondent Chevrem failed to perform a visual or functional check of emission control devices specified by the department, including the catalytic converter in those instances in which the department determines it to be necessary to meet the findings of Section 44001.

c. **Section 44015, subdivision (b):** Respondent Chevrem issued electronic smog certificates of compliance but failed to ensure that the vehicles were properly tested and inspected to determine if the emission control tests performed on those vehicles in accordance with procedures prescribed by the department.

d. **Section 44059:** Respondent Chevrem willfully made false entries for the electronic certificates of compliance by certifying that those vehicles had been inspected as required when, in fact, they had not.

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1 e.e **Section 3340.35, subdivision (c):** Respondent Chevrem failed to ensure that the
2 emission control tests were performed on those vehicles in accordance with procedures prescribed
3 by the department.

4 f. **Section 3340.42, subdivision (b)(2):** Respondent Chevrem failed to conduct a
5 functional inspection of emission control systems for vehicles as specified in the Smog Check
6 Manual, referenced by California Code of Regulations, title 16, section 3340.45.

7 g. **Section 3340.45, subdivision (a)(2)** Respondent Chevrem failed to perform Smog
8 Check inspections in accordance with requirements and procedures prescribed in the Smog Check
9 Inspection Manual.

10 h. **Section 3373:** Respondent Chevrem created a false or misleading work order by
11 issuing the fraudulent certificates of compliance for the three vehicles.

12 **FIFTH CAUSE FOR DISCIPLINE**
13 **(Dishonesty, Fraud or Deceit – Smog Station License)**

14 48.e Respondent Chevrem subjected its station license to discipline under Health and
15 Safety Code sections 44072.10 and 44072.2, subdivision (d), in that it committed acts involving
16 dishonesty, fraud or deceit, whereby another was injured by issuing electronic certificates of
17 compliance for vehicles without performing bona fide inspections of the emission control devices
18 and systems on the vehicles, thereby depriving the People of the State of California of the
19 protection afforded by the Motor Vehicle Inspection Program, as set forth above in paragraphs
20 41-43, above.e

21 **SIXTH CAUSE FOR DISCIPLINE**
22 **(Violations of the Motor Vehicle Inspection Program:
23 Smog Check Inspector License - Karadeli)**

24 49.e Respondent Karadeli has subjected his Smog Check Inspector license to discipline
25 under Health and Safety Code sections 44072.10 and 44072.2, subdivisions (a) and (c), in that he
26 violated sections of that Code and applicable regulations, as set forth above in paragraphs 41-43,
27 as follows:

28 a.e **Section 44012:** Respondent Karadeli failed to ensure that the emission control tests
were performed on those vehicles in accordance with procedures prescribed by the department.

1 b.e **Section 44012, subdivision (f):** Respondent Karadeli failed to perform a visual ore
2 functional check of emission control devices on those vehicles in accordance with procedures
3 prescribed by the department.

4 c. **Section 44032:** Respondent Karadeli failed to perform tests of emission controle
5 devices and systems on those vehicles in accordance with Section 44012.

6 d. **Section 44059:** Respondent Karadeli willfully made false entries for the electronic
7 certificates of compliance by certifying that those vehicles had been inspected as required when,
8 in fact, they had not.

9 e. **Section 3340.30, subdivision (a):** Respondent Karadeli failed to inspect and teste
10 those vehicles in accordance with Health and Safety Code section 44012 and California code of
11 Regulations title 16, section 3340.42.

12 f. **Section 3340.41, subdivision (c):** Respondent Karadeli entered vehicle identification
13 information for a vehicle other than the one being tested into the emissions inspection system.
14 Respondent Karadeli knowingly entered false information about the vehicle being tested into the
15 emissions inspection system.

16 g. **Section 3340.42, subdivision (b)(2):** Respondent Karadeli failed to conduct ae
17 functional inspection of emission control systems for those vehicles as specified in the Smog
18 Check Manual, referenced by California Code of Regulations, title 16, section 3340.45.

19 h. **Section 3340.45, subdivision (a)(2):** Respondent Karadeli failed to perform Smoge
20 Check inspections in accordance with requirements and procedures prescribed in the Smog Check
21 Inspection Manual.

22 **SEVENTH CAUSE FOR DISCIPLINE**
 (Dishonesty, Fraud or Deccit – Smog Check Inspector License)

23 50.e Respondent Karadeli subjected his Smog Check Inspector License to discipline under
24 Health and Safety Code sections 44072.10 and 44072.2, subdivision (d), in that he committed acts
25 involving dishonesty, fraud or deceit, whereby another was injured by issuing electronic
26 certificates of compliance for vehicles without performing bona fide inspections of the emission
27 control devices and systems on the vehicles, thereby depriving the People of the State of
28

1 California of the protection afforded by the Motor Vehicle Inspection Program, as set forth above
2 in paragraphs 41-43.

3 **EIGHTH CAUSE FOR DISCIPLINE**
4 **(Violations of the Motor Vehicle Inspection Program:**
5 **Smog Check Inspector License - Uzunsoy)**

6 51.e Respondent Uzunsoy has subjected his Smog Check Inspector license to discipline
7 under Health and Safety Code sections 44072.10 and 44072.2, subdivisions (a) and (c), in that he
8 violated sections of that Code and applicable regulations, as set forth above in paragraphs 40-42,
9 as follows:

10 a. **Section 44012:** Respondent Uzunsoy failed to ensure that the emission control tests
11 were performed on those vehicles in accordance with procedures prescribed by the department.

12 b. **Section 44012, subdivision (f):** Respondent Uzunsoy failed to perform a visual or
13 functional check of emission control devices on those vehicles in accordance with procedures
14 prescribed by the department.

15 c. **Section 44032:** Respondent Uzunsoy failed to perform tests of emission control
16 devices and systems on those vehicles in accordance with Section 44012.

17 d. **Section 44059:** Respondent Uzunsoy willfully made false entries for the electronic
18 certificates of compliance by certifying that those vehicles had been inspected as required when,
19 in fact, they had not.

20 e. **Section 3340.24, subdivision (c):** Respondent Uzunsoy falsely or fraudulently issued
21 electronic certificates of compliance for those vehicles without performing bona fide inspections
22 of the emission control devices and systems on the vehicles as required by Health and Safety
23 Code section 44012.

24 f. **Section 3340.30, subdivision (a):** Respondent Uzunsoy failed to inspect and test
25 those vehicles in accordance with Health and Safety Code section 44012 and California code of
26 Regulations title 16, section 3340.42.

27 g. **Section 3340.41, subdivision (c):** Respondent Uzunsoy entered vehicle
28 identification information for a vehicle other than the one being tested into the emissions

1 inspection system. Respondent Uzunsoy knowingly entered false information about the vehicle
2 being tested into the emissions inspection system.

3 f.e **Section 3340.42, subdivision (b)(2):** Respondent Uzunsoy failed to conduct ae
4 functional inspection of emission control systems for those vehicles as specified in the Smog
5 Check Manual, referenced by California Code of Regulations, title 16, section 3340.45.

6 g.e **Section 3340.45, subdivision (a)(2):** Respondent Uzunsoy failed to perform Smoge
7 Check inspections in accordance with requirements and procedures prescribed in the Smog Check
8 Inspection Manual.

9 **NINTH CAUSE FOR DISCIPLINE**
(Dishonesty, Fraud or Deceit – Smog Check License)

10 52.e Respondent Uzunsoy subjected his Smog Check Inspector License to discipline under
11 Health and Safety Code sections 44072.10 and 44072.2, subdivision (d), in that he committed acts
12 involving dishonesty, fraud or deceit, whereby another was injured by issuing electronic
13 certificates of compliance for vehicles without performing bona fide inspections of the emission
14 control devices and systems on the vehicles, thereby depriving the People of the State of
15 California of the protection afforded by the Motor Vehicle Inspection Program, as set forth above
16 in paragraphs 41-43.

17 **OTHER MATTERS**

18 53.e Pursuant to Code section 9884.7, subdivision (c), the Director may suspend, revoke,e
19 or place on probation the registration for all places of business operated in this state by
20 Respondent Chevrem, upon a finding that Respondent has, or is, engaged in a course of repeated
21 and willful violations of the laws and regulations pertaining to an automotive repair dealer.

22 54.e Pursuant to Health & Safety Code section 44072.8, if Respondent Chevrem's Statione
23 License is revoked or suspended, any additional license issued under Chapter 5 of Part 5 of
24 Division 26 of the Health and Safety Code in the name of said licensee may be likewise revoked
25 or suspended by the director.

26 55.e Pursuant to Health & Safety Code section 44072.8, if Respondent Karadeli's Smoge
27 Check Inspector License is revoked or suspended, any additional license issued under Chapter 5
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1 of Part 5 of Division 26 of the Health and Safety Code in the name of said licensee may be
2 likewise revoked or suspended by the director.

3 56.e Pursuant to Health & Safety Code section 44072.8, if Respondent Uzunsoy's Smog
4 Check Inspector License is revoked or suspended, any additional license issued under Chapter 5
5 of Part 5 of Division 26 of the Health and Safety Code in the name of said licensee may be
6 likewise revoked or suspended by the director.

7 **DISCIPLINE CONSIDERATIONS**

8 57.e To determine the degree of discipline, if any, to be imposed on Respondent Chevrem,e
9 Complainant alleges that on or about June 27, 2003, in a prior action, an accusation was filed on
10 Gurnur International Corporation and its President, Fatih Tekin, d.b.a. GIC Smog Station for
11 causing the issuance of 13 fraudulent Smog Check Inspection Certificates of Compliance to be
12 issued. The business name for GIC Smog Station was changed to Walnut Creek Star Smog and
13 ownership of the facility is under Chevrem Corporation with Fatih Tekin as President. On
14 December 6, 2004, the Department of Consumer Affairs adopted a decision in the matter of
15 Accusation 79/04-00 which revoked GIC Smog Station's Smog Check Station licenses and
16 Automotive Repair Dealer registrations. However, the revocations were stayed and the stations
17 were placed on three years probation.

18 58.e To determine the degree of discipline, if any, to be imposed on Respondent Chevrem,e
19 Complainant alleges that on or about September 15, 2008, in a prior action, an accusation was
20 filed on Chevrem Corporation and its President, Fatih Tekin, d.b.a. Clear Blue Test Only Smog
21 Station, Clear Blue Test Only Smog Station 2, Clear Blue Test Only Station 3, Test Only Smog
22 Station II, and GIC Smog Station for causing the issuance of 13 fraudulent Smog Check
23 Inspection Certificates of Compliance. On April 6, 2009, the Department of Consumer Affairs
24 adopted a decision in the matter of Accusation 79/09-21 which revoked all Smog Check Station
25 licenses and Automotive Repair Dealer registrations for each facility. However, the revocations
26 were stayed and the stations were placed on five years probation. In addition, each station was
27 suspended anywhere from 5 to 45 days.

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1 59.e To determine the degree of discipline, if any, to be imposed on Respondent Chevrem,e
2 Complainant alleges that on August 4, 2015 and on November 12, 2015, the Bureau issued and
3 re-issued, Citation Number C2015-1841 and ordered Respondent to cease and desist from
4 violating Health and Safety Code section 44012 in that it issued certificates of compliance using
5 the BAR97 method when an OBD Inspection System (OIS) is required. That Citation is now final
6 and is incorporated by reference as if fully set forth.

7 60.e To determine the degree of discipline, if any, to be imposed on Respondent Ugure
8 Uzunsoy, Complainant alleges that on or about August 4, 2015, in a prior action, the Bureau
9 issued Citation Number M2015-1842. The citation ordered Respondent to cease and desist from
10 violating Health and Safety Code section 44012 in that he issued a certificate of compliance using
11 the BAR97 method when an OBD Inspection System (OIS) is required. That Citation is now final
12 and is incorporated by reference as if fully set forth.

13 PRAYER

14
15 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
16 and that following the hearing, the Director of Consumer Affairs issue a decision:

17 1.e Revoking or suspending Automotive Repair Dealer Registration Number ARDe
18 248804, issued to Chevrem Corporation, Fatih Tekin, President, doing business as Quick Star
19 Smog;

20 2. Revoking or suspending Smog Check Test Only Station License Number TCe
21 248804, issued to Chevrem Corporation, Fatih Tekin, President, doing business as Quick Star
22 Smog;

23 3.e Revoking or suspending any additional Automotive Repair Dealer Registration,e
24 Smog Check Station License, Smog Check Inspector License, or Smog Check Repair Technician
25 license, issued to Chevrem Corporation, Fatih Tekin, President;

26 4. Ordering Chevrem Corporation, Fatih Tekin, President to pay the Bureau of e
27 Automotive Repair the reasonable costs of the investigation and enforcement of this case,
28 pursuant to Business and Professions Code section 125.3;

1 5.s Revoking or suspending Smog Check Inspector License EO 26524 issued to Fatihs
2 Tekin;

3 6.s Revoking or suspending any additional Smog Check Station License, Smog Checks
4 Inspector License, or Smog Check Repair Technician License, issued to Fatih Tekin;

5 7.s Ordering Fatih Tekin to pay the Bureau of Automotive Repair the reasonable costs
6 of the investigation and enforcement of this case, pursuant to Business and Professions Code
7 section 125.3;

8 8.s Revoking or suspending Smog Check Inspector License EO 633764 issued to Erens
9 Karadeli;

10 9.s Revoking or suspending any additional Smog Check Station License, Smog Checks
11 Inspector License, or Smog Check Repair Technician License, issued to Eren Karadeli;

12 10.s Ordering Eren Karadeli to pay the Bureau of Automotive Repair the reasonables
13 costs of the investigation and enforcement of this case, pursuant to Business and Professions
14 Code section 125.3;

15 11.s Revoking or suspending Smog Check Inspector License EO 630349 issued to
16 Ugur Uzunsoy;

17 12.s Revoking or suspending Brake Adjuster License BA 630349, class A issued to
18 Ugur Uzunsoy;

19 13.s Revoking or suspending Lamp Adjuster License LA 630349, class A issued to
20 Ugur Uzunsoy;

21 14.s Revoking or suspending any additional Smog Check Station License, Smog Checks
22 Inspector License, or Smog Check Repair Technician License, issued to Ugur Uzunsoy;

23 15.s Ordering Ugur Uzunsoy to pay the Bureau of Automotive Repair the reasonables
24 costs of the investigation and enforcement of this case, pursuant to Business and Professions
25 Code section 125.3;

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

DATED: March 20, 2019


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