

1 XAVIER BECERRA
Attorney General of California
2 JOSHUA A. ROOM
Supervising Deputy Attorney General
3 MARETTA WARD
Deputy Attorney General
4 State Bar No. 176470
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 510-3545
6 Facsimile: (415) 703-5480
Attorneys for Complainant
7

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

12
13 In the Matter of the Accusation Against:

Case No. **77/16-19**

14 **QUIK SMOG AND REPAIR**
15 **PELIN SINAG, OWNER**
16 **3725 San Leandro Street**
17 **Oakland, CA 94601**

ACCUSATION

18 **Automotive Repair Dealer Registration No.**
19 **ARD 259315**
20 **Smog Check Station License No. RC 259315**
21 **Brake Station License No. BS 259315, Class**
22 **C; Lamp Station License No. LS 259315**
23 **Class A**

24 **UGUR UZUNSOY**
25 **3725 San Leandro Street**
26 **Oakland, CA 94601**

27 **Smog Check Inspector License No. EO**
28 **630349**
Brake Adjuster No. BA 630349, Class A
Lamp Adjuster No. LA 630349, Class A

1 **ERSIN AYDIN**
2 **245 29TH Street #1**
3 **Oakland, CA 94611**

4 **Smog Check Inspector License No.**
5 **EO633613**
6 **Smog Check Repair Technician License No.**
7 **EI 633613**

8 Respondents.

9 Complainant alleges:

10 **PARTIES**

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

13 **Automotive Repair Dealer Registration**

14 2. On or about September 2, 2009, the Bureau of Automotive Repair issued Automotive
15 Repair Dealer Registration Number ARD 259315 to Quik Smog and Repair, Pelin Sinag, Owner
16 (Respondent Quik Smog and Repair). The Automotive Repair Dealer Registration was in full
17 force and effect at all times relevant to the charges brought herein and will expire on June 30,
18 2020, unless renewed.

19 **Smog Check Station License**

20 3. On or about December 1, 2010, the Bureau of Automotive Repair issued Smog Check
21 Test and Repair Station License Number RC 259315 to Respondent Quik Smog and Repair. The
22 Smog Check Test and Repair Station License was in full force and effect at all times relevant to
23 the charges brought herein and will expire on June 30, 2020 unless renewed.

24 **Star Station Certification**

25 4. On or about January 2, 2013, the Bureau of Automotive Repair issued STAR Station
26 Certificate to Respondent Quik Smog and Repair. The STAR Station Certificate was in full force
27 and effect at all times relevant to the charges brought herein.

28 **Lamp Station License**

On or about March 16, 2011, the Bureau of Automotive Repair issued Lamp Station
License Number LS 259315, Class A, to Respondent Quik Smog and Repair. The Lamp Station

1 License was in full force and effect at all times relevant to the charges brought herein and will
2 expire on June 30, 2020, unless renewed.

3 **Brake Station License**

4 6. On or about March 16, 2011, the Bureau of Automotive Repair issued Brake Station
5 License Number BS 259315, Class C, to Respondent Quik Smog and Repair. The Brake Station
6 License was in full force and effect at all times relevant to the charges brought herein and will
7 expire on June 30, 2020, unless renewed.

8 **Smog Check Inspector License**

9 7. On or about July 24, 2012, the Bureau of Automotive Repair issued Smog Check
10 Inspector License Number EO 630349 to Ugur Uzunsoy (Respondent Uzunsoy). The Smog
11 Check Inspector License was in full force and effect at all times relevant to the charges brought
12 herein and will expire on July 31, 2020, unless renewed.

13 **Brake Adjuster License**

14 8. On or about November 5, 2012, the Bureau of Automotive Repair issued Brake
15 Adjuster License Number BA 630349, Class A, to Respondent Uzunsoy. The Brake Adjuster
16 License was in full force and effect at all times relevant to the charges brought herein and will
17 expire on July 31, 2022.

18 **Lamp Adjuster License**

19 9. On or about February 4, 2013, the Bureau of Automotive Repair issued Lamp
20 Adjuster License Number LA 630349, Class A, to Respondent Uzunsoy. The Lamp Adjuster
21 License was in full force and effect at all times relevant to the charges brought herein and will
22 expire on July 31, 2022.

23 **Smog Check Inspector License**

24 10. On or about May 6, 2013, the Bureau of Automotive Repair issued Smog Check
25 Inspector License Number EO 633613 to Ersin Aydin (Respondent Aydin). The Smog Check
26 Inspector License was in full force and effect at all times relevant to the charges brought herein
27 and expired on April 30, 2019.

28 / /

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

7

8
9
0

2

3

4
5
6
7
8
9
0

1

2
3
4
5
6

7

R

1 (1) Making or authorizing in any manner or by any means whatever any statement written
2 or oral which is untrue or misleading, and which is known, or which by the exercise of reasonable
3 care should be known, to be untrue or misleading.

4 (2) Causing or allowing a customer to sign any work order that does not state the repairs
5 requested by the customer or the automobile's odometer reading at the time of repair.

6 ...

7 (4) Any other conduct which constitutes fraud.

8 ...

9 (6) Failure in any material respect to comply with the provisions of this chapter or
10 regulations adopted pursuant to it.

11 ...

12 (7) Any willful departure from or disregard of accepted trade standards for good and
13 workmanlike repair in any material respect, which is prejudicial to another without consent of the
14 owner or his or her duly authorized representative.

15 (c) Notwithstanding subdivision (b), the director may suspend, revoke, or place on
16 probation the registration for all places of business operated in this state by an automotive repair
17 dealer upon a finding that the automotive repair dealer has, or is, engaged in a course of repeated
18 and willful violations of this chapter, or regulations adopted pursuant to it."

19 15. Section 9884.8 of the Code states:

20 "All work done by an automotive repair dealer, including all warranty work, shall be
21 recorded on an invoice and shall describe all service work done and parts supplied. Service work
22 and parts shall be listed separately on the invoice, which shall also state separately the subtotal
23 prices for service work and for parts, not including sales tax, and shall state separately the sales
24 tax, if any, applicable to each. If any used, rebuilt, or reconditioned parts are supplied, the
25 invoice shall clearly state that fact. If a part of a component system is composed of new and
26 used, rebuilt or reconditioned parts, that invoice shall clearly state that fact. The invoice shall
27 include a statement indicating whether any crash parts are original equipment manufacturer crash
28 parts or nonoriginal equipment manufacturer aftermarket crash parts. One copy of the

1 invoice shall be given to the customer and one copy shall be retained by the automotive repair
2 dealer.”

3 16. Section 9884.9 of the Code states:

4 “(a) The automotive repair dealer shall give to the customer a written estimated price for
5 labor and parts necessary for a specific job. No work shall be done, and no charges shall accrue
6 before authorization to proceed is obtained from the customer. No charge shall be made for work
7 done or parts supplied in excess of the estimated price without the oral or written consent of the
8 customer that shall be obtained at some time after it is determined that the estimated price is
9 insufficient and before the work not estimated is done or the parts not estimated are supplied.”

10 17. Section 9888.3 of the Code states:

11 “No person shall operate an “official” lamp or brake adjusting station unless a license
12 therefor has been issued by the director. No person shall issue, or cause or permit to be issued,
13 any certificate purporting to be an official lamp adjustment certificate unless he or she is a
14 licensed lamp adjuster or an official brake adjustment certificate unless he or she is a licensed
15 brake adjuster.”

16 18. Section 9889.16 of the Code states:

17 “Whenever a licensed adjuster in a licensed station upon an inspection or after an
18 adjustment, made in conformity with the instructions of the bureau, determines that the lamps or
19 the brakes upon any vehicle conform with the requirements of the Vehicle Code, he shall, when
20 requested by the owner or driver of the vehicle, issue a certificate of adjustment on a form
21 prescribed by the director, which certificate shall contain the date of issuance, the make and
22 registration number of the vehicle, the name of the owner of the vehicle, and the official license
23 of the station.”

24 19. Section 44072.2 of the Health and Safety Code states:

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

28 ...

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

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

6 21. Section 44072.8 of the Health and Safety Code states:

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

10

11

REGULATORY PROVISIONS

12

22. California Code of Regulations, title 16, section 3305, states:

13

14 “(a) All adjusting, inspecting, servicing, and repairing of brake systems and lamp systems
15 for the purpose of issuing any certificate of compliance or adjustment shall be performed in
16 official stations, by official adjusters, in accordance with the following, in descending order of
precedence, as applicable:

17

18

(1) Vehicle Manufacturers' current standards, specifications and recommended procedures,
as published in the manufacturers' vehicle service and repair manuals.

19

20

(2) Current standards, specifications, procedures, directives, manuals, bulletins and
instructions issued by vehicle and equipment or device manufacturers.

21

22

23

(3) Standards, specifications and recommended procedures found in current industry-
standard reference manuals and periodicals published by nationally recognized repair information
providers.

24

25

(4) The bureau's Handbook for Brake Adjusters and Stations, May 2015, which is hereby
incorporated by reference.

26

27

(5) The bureau's Handbook for Lamp Adjusters and Stations, May 2015, which is hereby
incorporated by reference.”

28

//

1 23. California Code of Regulations, title 16, section 3353, states:

2 "An estimate shall be provided to and authorized by the customer before any work
3 commences. The estimate shall meet the requirements of Business and Professions Code section
4 9884.9 as well as the following:

5 (a) Estimate for Parts and Labor. Every automotive repair dealer shall give to each
6 customer an estimate containing the estimated price for parts and labor for a specific job prior to
7 obtaining authorization. Each part listed in the estimate shall be new unless specifically identified
8 as a used, rebuilt or reconditioned part."

9 24. California Code of Regulations, title 16, section 3356, states:

10 "(a) All invoices for service and repair work performed, and parts supplied, as provided for
11 in Section 9884.8 of the Business and Professions Code, shall comply with this section.

12 ...

13 (1) All services and repairs performed, including any diagnosis or warranty repairs, and the
14 prices for each.

15 (2) Each part supplied, in such a manner that the customer can understand what was
16 purchased, and the price for each described part. The description of each part shall state whether
17 the part was new, used, reconditioned, rebuilt, an OEM crash part, or a non-OEM aftermarket
18 crash part. Part kits containing several components may be listed as a single part on the invoice
19 and identified by brand name and corresponding part number or similar designation.

20 ...

21 (A) The date and time of the additional authorization."

22 25. California Code of Regulations, title 16, section 3373, states:

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

28 / /

1 **COSTS**

2 26. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licentiate found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
6 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
7 included in a stipulated settlement.

8
9 **UNDERCOVER OPERATION ONE**

10 27. On June 8, 2016, a documented undercover operation, using a 2002 Dodge, was
11 performed on Quik Smog and Repair. The operator arrived at Quik Smog and Repair and
12 requested smog, brake and lamp inspections from Respondent Aydin who provided a copy of the
13 estimate to the operator. The operator then observed Respondent Aydin pull the Dodge into the
14 service bay and appear to perform a Smog Check Inspection. The Dodge was not test driven. The
15 operator was later informed by Respondent Aydin that the Dodge had passed and was provided
16 with a Quik Smog and Repair invoice dated June 8, 2016. The operator paid and left the facility.

17 28. On June 28, 2016, the Dodge was re-inspected by the Bureau and determined to still
18 fail brake inspection. Tamper indicators which had been installed on each wheel were intact,
19 indicating the wheels had not been removed to inspect the brake rotors or drums. Further, the
20 Dodge also failed a lamp inspection because of a misadjusted right front headlight. Tamper
21 indicators installed on the headlight adjusters were still intact, indicating the headlights had not
22 been adjusted. The Bureau inspections concluded that Brake and Lamp Certificates should not
23 have been issued to the Dodge.

24 29. The Estimate did not describe all service work requested in that it states, "Brake and
25 Light" and did not describe that brake and lamp inspections were requested. The estimate did not
26 list the individual cost of the smog, brake and lamp inspections.

27 / /

28 / /

1 30. The invoice did not describe all service work performed in that it did not describe that
2 brake and lamp inspections were performed. The Invoice does not list the individual price of the
3 smog inspections, brake inspection, or the lamp inspection. The invoice did not list the Brake and
4 Lamp certificates that were issued.

5 31. Brake Certificate No. BA 2278149 was issued to the Dodge by Brake Station License
6 Number BS 259315 belonging to Quick Smog and Repair and Brake Adjuster License Number
7 BA 630349, Class A belonging to Respondent Uzunsoy. The Brake Certificate shows the Purpose
8 of Certification was for a Brake Adjustment when in fact it was for Registration of Reconstructed
9 Vehicle. The Brake Certificate shows the Drums/Rotor were in satisfactory condition, when in
10 fact the left front brake rotor was undersized, and the right rear brake drum was oversized. The
11 Brake Certificate shows the Dodge was road tested when in fact it was not. The Brake Certificate
12 also contains a signature under penalty of perjury that the applicable inspection, adjustment, or
13 repair was performed as specified by the Bureau of Automotive Repair, vehicle manufacturer and
14 in accordance with the California Code of Regulations, the Vehicle Code and the Business and
15 Professions Code and that all statements made on the certificate are true and correct, when in fact
16 they were not. At the time of this inspection and certification, Respondent Uzunsoy's Brake
17 Adjuster license was expired, he was not at the facility and could not have performed the
18 inspection.

19 32. Lamp Certificate LA 2213553 was issued to the Dodge by Lamp Station License
20 Number LS 259315 belonging to Quik Smog and Repair and Lamp Adjuster License Number LA
21 630349, Class A belonging to Respondent Uzunsoy. The Lamp Certificate shows the Purpose of
22 the Certification was for a Lamp Adjustment when in fact it was for Registration of
23 Reconstructed Vehicle. The Lamp Certificate shows the Headlights were inspected without
24 adjustment and therefore remain out of adjustment/specification. The Lamp Certificate also
25 contained a signature under penalty of perjury that the applicable inspection, adjustment, or repair
26 was performed as specified by the Bureau of Automotive Repair, vehicle manufacturer and in
27 accordance with the California Code of Regulations, the Vehicle Code and the Business and
28 Professions Code and that all statements made on the certificate are true and correct, when in fact

1 they are not. Respondent Uzunsoy's Lamp Adjuster License was expired at the time of the
2 certification, he was not at the facility and could not have performed the inspection.

3
4 **FIRST CAUSE FOR DISCIPLINE**

5 (False or Misleading Statements)

6 33. Respondent Quik Smog and Repair's Automotive Repair Dealership Registration is
7 subject to disciplinary action under section 9884.7, subdivision (a)(1), in that Respondent made
8 false and misleading statements by issuing fraudulent Brake and Lamp Certificates of
9 Compliance to the Bureau vehicle that did not meet standards and/or specifications by stating on
10 the invoice brake and lamp inspections were performed when in fact they had not been performed
11 as set forth above in paragraphs 27-32.

12
13 **SECOND CAUSE FOR DISCIPLINE**

14 (Failure to State Requested Repairs on Signed Work Order)

15 34. Respondent Quik Smog and Repair's Automotive Repair Dealership Registration is
16 subject to disciplinary action under section 9884.7, subdivision (a)(2), in that Respondent Quik
17 Smog and Repair allowed the customer to sign a work order that did not state the requested
18 repairs and/or odometer reading as set forth above in paragraphs 27-32.

19
20 **THIRD CAUSE FOR DISCIPLINE**

21 (Fraud)

22 35. Respondent Quik Smog and Repair's Automotive Repair Dealership Registration is
23 subject to disciplinary action under section 9884.7, subdivision (a)(4), in that Respondent Quik
24 Smog and Repair committed fraud by issuing Brake and Lamp Certificates to the Bureau vehicle
25 without performing bona fide inspections as set forth above in paragraphs 27-32.

26 //

27 //

28 //

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8

5
6
7
8
9
0
1
2
3
4
5
6
7
8

0
1
2
3
4
5
6
7
8

4
5
6
7
8

5
6
7
8

6
7
87
8

8

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

FIFTH CAUSE FOR DISCIPLINE

(Failure to Describe Work/Parts/Price)

37. Respondent Quik Smog and Repair's Automotive Repair Dealer Registration is subject to disciplinary action under section 9884.8, in that Respondent failed to describe on the invoice the brake and lamp certificates supplied and failed to state separately on the invoice the labor prices for smog, brake and lamp inspections as set forth above in paragraphs 27-32.

SIXTH CAUSE FOR DISCIPLINE

(Failure to Provide Written Estimate)

38. Respondent Quik Smog and Repair's Automotive Repair Dealer Registration is subject to disciplinary action under section 9884.9, subdivision (a), in that Respondent failed to describe on the estimate that brake and lamp inspections were requested and that Respondent did not list the individuals prices for the smog, brake and lamp inspections as set forth above in paragraphs 27-32.

SEVENTH CAUSE FOR DISCIPLINE

(Unlicensed Adjuster)

39. Respondent Quik Smog and Repair's Brake and Lamp Station Licenses are subject to disciplinary action under section 9888.3, in that Respondent Quik Smog and Repair permitted unlicensed adjuster, Respondent Aydin, to issue Brake and Lamp Certificates of Compliance to the Bureau vehicle as set forth above in paragraphs 27-32.

EIGHTH CAUSE FOR DISCIPLINE

(Unlicensed Adjuster Activity)

40. Respondent Uzunsoy's Brake and Lamp Station Licenses are subject to disciplinary action under section 9888.3, in that unlicensed adjuster, Respondent Aydin, issued Brake and Lamp Certificates of Compliance to the Bureau vehicle using Respondent Uzunsoy's licenses as set forth above in paragraphs 27-32.

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1 Handbook for Brake Adjusters and Stations, May 2015, which is hereby incorporated by
2 reference.

3 e. Respondent Uzunsoy violated California Code of Regulations, title 16, section 3305,
4 subdivision (a)(5), in that Respondent Uzunsoy failed to inspect in accordance with the Bureau's
5 Handbook for Lamp Adjusters and Stations, May 2015, which is hereby incorporated by
6 reference.

7 **ELEVENTH CAUSE FOR DISCIPLINE**

8 (Perjury)

9 43. Respondent Aydin's Smog Check Inspector License and Smog Check Repair
10 Technician License are subject to disciplinary action under section 9889.22, in that unlicensed
11 adjuster, Respondent Aydin, issued Brake and Lamp Certificates of Compliance to the Bureau
12 vehicle that did not meet standard and/or specifications set forth above in paragraphs 27-32.

13
14 **TWELFTH CAUSE FOR DISCIPLINE**

15 (Violation of Statutes and Regulations)

16 44. Respondent Aydin's Technician License is subject to disciplinary action under Health
17 and Safety Code Section 44072.(d), in that Respondent Aydin, as set forth above in paragraphs
18 27-32, failed to perform a proper brake and lamp inspection in compliance with Bureau
19 regulations as follows:

20 a. Respondent Aydin violated California Code of Regulations, title 16, section 3305,
21 subdivision (a)(1), in that Respondent Aydin failed to inspect the Bureau vehicle in accordance
22 with the manufacturers' current standards, specifications and recommended procedures, as
23 published in the manufacturers' vehicle service and repair manuals.

24 b. Respondent Aydin violated California Code of Regulations, title 16, section 3305,
25 subdivision (a)(2), in that Respondent Aydin failed to inspect the Bureau vehicle according to
26 current standards, specifications, procedures, directives, manuals, bulletins and instructions issued
27 by vehicle and equipment or device manufacturers.

28 / /

1 c. Respondent Aydin violated California Code of Regulations, title 16, section 3305,
2 subdivision (a)(3), in that Respondent Aydin failed to inspect in accordance with the standards,
3 specifications and recommended procedures found in current industry-standard reference manuals
4 and periodicals published by nationally recognized repair information providers.

5 d. Respondent Aydin violated California Code of Regulations, title 16, section 3305,
6 subdivision (a)(4), in that Respondent Aydin failed to inspect in accordance with the Bureau's
7 Handbook for Brake Adjusters and Stations, May 2015, which is hereby incorporated by
8 reference.

9 e. Respondent Aydin violated California Code of Regulations, title 16, section 3305,
10 subdivision (a)(5), in that Respondent Aydin failed to inspect in accordance with the Bureau's
11 Handbook for Lamp Adjusters and Stations, May 2015, which is hereby incorporated by
12 reference.

13 14 UNDERCOVER OPERATION TWO

15 45. On October 26, 2016, a documented undercover operation, using a 1995 Chevrolet
16 was performed on Quik Smog and Repair to confirm compliance with the Smog, Brake and Lamp
17 Inspection Programs. During this undercover run, Quik Smog and Repair identified the tampered
18 PCV (Positive Crankcase Ventilation) System and failed the Chevrolet appropriately. The Smog
19 Inspection was performed by Respondent Aydin. During the undercover run, the operator was
20 told Quick Smog and Repair did not perform Brake and Lamp inspections because they lacked
21 the tools to perform the inspections. The operator was charged \$71.75 for the Smog Check
22 inspection only and the operator was provided with a copy of the estimate and a copy of the
23 invoice as well as the failing Vehicle Inspection Report (VIR) for the Smog Check inspection.

24 46. The estimate did not describe all service work requested in that it states, "Brake and
25 Light" and did not describe that brake and lamp inspections were requested. The estimate did not
26 list the individual cost of the smog, brake and lamp inspections.

27 / /

1 47. The Invoice has the following issues: Under "Part No. OR DESCRIPTION" section
2 it states "headlight needs adjustment" even though the operator was told they had not performed a
3 Lamp inspection. The invoice fails to accurately describe all service work performed in that it
4 states, "Brake and Light," and does not describe that brake and lamp inspections were or were not
5 performed. The Invoice shows an \$80.00 itemized charge for the smog inspections when \$71.75
6 was charged. The Invoice shows a charge of \$100.00 for "Brake and Light" when brake and/or
7 lamp inspections were not performed.

8
9 **THIRTEENTH CAUSE FOR DISCIPLINE**

10 (Failure to Describe Work/Parts/Price)

11 48. Respondent Quik Smog and Repair's Automotive Repair Dealer Registration is
12 subject to discipline under section 9884.8, in that Respondent failed to describe on the invoice
13 whether brake and lamp inspections were performed, showed an incorrect amount for the
14 inspection charge and shows a charge for brake and lamp inspections when none were performed
15 as set forth above in paragraphs 45-47.

16
17 **FOURTEENTH CAUSE FOR DISCIPLINE**

18 (Failure to Provide Written Estimate)

19 49. Respondent Quik Smog and Repair's Automotive Repair Dealer Registration is
20 subject to discipline under section 9884.9, subdivision (a), in that Respondent failed to describe
21 on the estimate that brake and lamp inspections were requested and that Respondent did not list
22 the individual prices for the smog, brake and lamp inspections as set forth above in paragraphs
23 45-47.

24 / /

25 / /

26 / /

27 / /

28 / /

UNDERCOVER OPERATION THREE

50. On February 24, 2017, a documented undercover operation, using a 2004 Ford was performed on Quik Smog and Repair. The operator arrived at Quik Smog and Repair and requested smog, brake and lamp inspections from Respondent Aydin and was provided an estimate. The operator then observed Respondent Aydin, along with an unidentified male, appear to perform a Smog Check inspection and partial brake and lamp inspections. The operator saw the Ford's wheels were never removed and was not test driven. After the inspections were completed, Respondent Aydin explained to the operator that the Ford's brakes and lights were fine, but it had failed the Smog Check inspection. Respondent provided the operator with a Quik Smog and Repair invoice dated February 24, 2017. The operator paid and left the facility.

51. On March 6, 2017, the Ford was re-inspected by the Bureau and determined to still fail brake inspection because of the undersized left front brake rotor and oversized right rear brake drum. Further, the Ford still also failed a lamp inspection because of misadjusted right front headlight and tamper indicators on the headlight adjuster. The headlight adjusters were still intact indicating the headlights had not been adjusted. The Bureau inspections concluded that Brake and Lamp Certificates should not have been issued to the Escape.

52. The estimate did not describe that brake and lamp inspections were requested. The estimate lists a charge of \$120.00 but fails to state what the \$120.00 is for. The signed estimate does not include the vehicle's odometer reading.

53. The invoice did not describe all service work performed in that it did not describe that brake and lamp inspections were performed. The Invoice did not individually list the brake and lamp inspections. The invoice does not list that brake and lamp certificates were issued. The invoice lists a Smog Certificate for \$8.25 when a Smog Certificate was not issued.

54. Brake Certificate No. BA 2477824 was issued to the Ford by Station License Number 259315 belonging to Quick Smog and Repair and Adjuster License Number 630349 belonging to Respondent Uzunsoy. The Brake Certificate shows the Purpose of Certification was Registration of Reconstructed Vehicle. The Brake Certificate shows the Drums/Rotor were in satisfactory condition, when in fact the left front brake rotor was undersized, and the right rear brake drum

1 was oversized. The Brake Certificate shows the Ford was road tested when in fact the Ford was
2 not road tested. The Brake Certificate also contains a signature under penalty of perjury that the
3 applicable inspection, adjustment, or repair was performed as specified by the Bureau of
4 Automotive Repair, vehicle manufacturer and in accordance with the California Code of
5 Regulations, the Vehicle Code and the Business and Professions Code and that all statements
6 made on the certificate are true and correct, when in fact they were not. Moreover, at the time of
7 this inspection and certification Respondent Uzunsoy's Break Adjuster license was expired, he
8 was not at the facility and could not have performed the inspection.

9 55. Lamp Certificate LA 2448926 issued to the Ford by Station License Number LS
10 259315 belonging to Quik Smog and Repair and Adjuster License Number LA 630349 belonging
11 to Respondent Uzunsoy. The Lamp Certificate shows the Purpose of the Certification was for the
12 Registration of Reconstructed Vehicle. The Lamp Certificate shows the Headlights were
13 inspected without adjustment and therefore remain out of adjustment/specification. The Lamp
14 Certificate also contained a signature under penalty of perjury that the applicable inspection,
15 adjustment, or repair was performed as specified by the Bureau of Automotive Repair, vehicle
16 manufacturer and in accordance with the California Code of Regulations, the Vehicle Code and
17 the Business and Professions Code and that all statements made on the certificate are true and
18 correct, when in fact they are not. Respondent Uzunsoy's Lamp Adjuster License was expired at
19 the time of the certification, he was not at the facility and could not have performed the
20 inspection.

21 / /

22 / /

23 / /

24 / /

25 / /

26 / /

27 / /

28 / /

1 **FIFTEENTH CAUSE FOR DISCIPLINE**

2 (False or Misleading Statements)

3 56. Respondent Quik Smog and Repair's Automotive Repair Dealership Registration is
4 subject to disciplinary action under section 9884.7, subdivision (a)(1), in that Respondent made
5 false and misleading statements by issuing fraudulent Brake and Lamp Certificates of
6 Compliance to the Bureau vehicle that did not meet standards and/or specifications and/or by
7 stating on the invoice brake and lamp inspections were performed when in fact they had not been
8 performed as set forth above in paragraphs 50-55.

9
10 **SIXTEENTH CAUSE FOR DISCIPLINE**

11 (Failure to State Requested Work)

12 57. Respondent Quik Smog and Repair's Automotive Repair Dealership Registration is
13 subject to disciplinary action under section 9884.7, subdivision (a)(2), in that Respondent Quik
14 Smog and Repair allowed the customer to sign a work order that did not state the requested
15 repairs and/or odometer reading as set forth above in paragraphs 50-55.

16
17 **SEVENTEENTH CAUSE FOR DISCIPLINE**

18 (Fraud)

19 58. Respondent Quik Smog and Repair's Automotive Repair Dealership Registration is
20 subject to disciplinary action under section 9884.7, subdivision (a)(4), in that Respondent Quik
21 Smog and Repair committed fraud by issuing Brake and Lamp Certificates to the Bureau vehicle
22 without performing bona fide inspections as set forth above in paragraphs 50-55.

23 / /

24 / /

25 / /

26 / /

27 / /

28 / /

EIGHTEENTH CAUSE FOR DISCIPLINE

(Violation of Statutes and Regulations)

59. Respondent Quik Smog and Repair's Automotive Repair Dealership Registration is subject to disciplinary action under section 9884.7, subdivision (a)(6), in that Respondent Quik Smog and Repair, as set forth above in paragraphs 50-55, violated sections of that Code and applicable regulations, as follows:

a. Respondent Quik Smog and Repair violated California Code of Regulations, title 16, section 3305, subdivision (a), in that the brake and lamp inspections performed during the undercover operation were not performed in accordance with any of the enumerated specifications listed in this regulation.

b. Respondent Quik Smog and Repair violated California Code of Regulations, title 16, section 3353, subdivision (a), by failing to provide the customer with a written estimate for parts and labor for the job and describe on the estimate that brake and lamp inspections were requested and by failing to list individual prices for the smog, brake and lamp inspections.

c. Respondent Quik Smog and Repair violated California Code of Regulations, title 16, section 3356, subdivision (a)(2)(A), in that Respondent Quik Smog and Repair failed to describe on the invoice all service work performed and the price for each described service and repair by failing to describe on the invoice the brake and lamp certificates supplied and state separately on the invoice the prices for the smog, brake and lamp inspections.

d. Respondent violated California Code of Regulations, title 16, section 3373, in that Respondent made false or misleading statements on an invoice by issuing fraudulent brake and lamp Certificates of Compliance to the Bureau vehicle that did not meet standards and/or specifications by representing that inspections were performed when they were not.

//

//

//

//

//

1 **NINETEENTH CAUSE FOR DISCIPLINE**

2 (Failure to Describe Work/Parts/Price)

3 60. Respondent Quik Smog and Repair's Automotive Repair Dealer Registration is
4 subject to discipline under section 9884.8, in that Respondent failed to describe work on the
5 invoice for brake and lamp certificates supplied and failed to state separately on the invoice the
6 labor prices for smog, brake and lamp inspections as set forth above in paragraphs 50-55.

7
8 **TWENTIETH CAUSE FOR DISCIPLINE**

9 (Failure to State Requested Work)

10 61. Respondent Quik Smog and Repair's Automotive Repair Dealer Registration is
11 subject to discipline under section 9884.9, subdivision (a), in that Respondent failed to describe
12 on the estimate that brake and lamp inspections were requested and that Respondent did not list
13 the individual prices for the smog, brake and lamp inspections as set forth above in paragraphs
14 50-55

15 **TWENTY-FIRST CAUSE FOR DISCIPLINE**

16 (Unlicensed Adjuster Activity)

17 62. Respondent Quik Smog and Repair's Brake and Lamp Station Licenses are subject to
18 disciplinary action under section 9888.3, in that Respondent Quik Smog and Repair permitted
19 unlicensed adjuster, Respondent Aydin to issue Brake and Lamp Certificates of Compliance to
20 the Bureau vehicle as set forth above in paragraphs 50-55.

21
22 **TWENTY-SECOND CAUSE FOR DISCIPLINE**

23 (Unlicensed Adjuster Activity)

24 63. Respondent Uzunsoy's Brake and Lamp Adjuster License is subject to disciplinary
25 action under section 9888.3, in that unlicensed adjuster, Respondent Aydin, issued Brake and
26 Lamp Certificates of Compliance to the Bureau vehicle using Respondent Uzunsoy's licenses as
27 set forth above in paragraphs 50-55.

1 **TWENTY-THIRD CAUSE FOR DISCIPLINE**

2 (Failure to Perform Brake and Lamp Inspections Per Bureau Requirements)

3 64. Respondent Quik Smog and Repair's Brake and Lamp Station Licenses are subject to
4 disciplinary action under section 9889.16, in that Respondent Uzunsoy's Brake and Lamp
5 Adjuster Licenses were used to issue Brake and Lamp Certificates of Compliance to the Bureau
6 vehicle that did not meet the standard and specifications as set forth above in paragraphs 50-55.

7
8 **TWENTY-FOURTH CAUSE FOR DISCIPLINE**

9 (Violation of Statutes and Regulations)

10 65. Respondent Uzunsoy's Brake and Lamp Adjuster Licenses are subject to disciplinary
11 action under section 9889.16, in that Respondent Uzunsoy, as set forth above in paragraphs 50-
12 55, failed to perform a proper brake and lamp inspection in compliance with Bureau regulations
13 as follows:

14 a. Respondent Uzunsoy violated California Code of Regulations, title 16, section 3305,
15 subdivision (a)(1), in that Respondent Uzunsoy failed to inspect the Bureau vehicle in accordance
16 with the manufacturers' current standards, specifications and recommended procedures, as
17 published in the manufacturers' vehicle service and repair manuals.

18 b. Respondent Uzunsoy violated California Code of Regulations, title 16, section 3305,
19 subdivision (a)(2), in that Respondent Uzunsoy failed to inspect the Bureau vehicles according to
20 current standards, specifications, procedures, directives, manuals, bulletins and instructions issued
21 by vehicle and equipment or device manufacturers.

22 c. Respondent Uzunsoy violated California Code of Regulations, title 16, section 3305,
23 subdivision (a)(3), in that Respondent Uzunsoy failed to inspect in accordance with the standards,
24 specifications and recommended procedures found in current industry-standard reference manuals
25 and periodicals published by nationally recognized repair information providers.

26 d. Respondent Uzunsoy violated California Code of Regulations, title 16, section 3305,
27 subdivision (a)(4), in that Respondent Uzunsoy failed to inspect in accordance with Bureau's
28

1 Handbook for Brake Adjusters and Stations, May 2015, which is hereby incorporated by
2 reference.

3 e. Respondent Uzunsoy violated California Code of Regulations, title 16, section 3305,
4 subdivision (a)(5), in that Respondent Uzunsoy failed to inspect in accordance with the Bureau's
5 Handbook for Lamp Adjusters and Stations, May 2015, which is hereby incorporated by
6 reference.

7
8 **TWENTY-FIFTH CAUSE FOR DISCIPLINE**

9 (Unlicensed Adjuster Activity)

10 66. Respondent Aydin's Smog Check Inspector License and Smog Check Repair
11 Technician License are subject to disciplinary action under section 9888.3, in that unlicensed
12 adjuster Respondent Aydin issued Brake and Lamp Certificates of compliance to the Bureau's
13 vehicle that did not meet standards and/or specifications set forth above in paragraphs 50-55.

14
15 **TWENTY-SIXTH CAUSE FOR DISCIPLINE**

16 (Perjury)

17 67. Respondent Aydin's Technician License is subject to disciplinary action under
18 section 9889.22, in that Respondent Aydin, as set forth above in paragraphs 50-55, failed to
19 perform a proper break and lamp inspection in compliance with Bureau regulations as follows:

20 a. Respondent Aydin violated California Code of Regulations, title 16, section 3305,
21 subdivision (a)(1), in that Respondent Aydin failed to inspect the Bureau vehicle in accordance
22 with the manufacturers' current standards, specifications and recommended procedures, as
23 published in the manufacturers' vehicle service and repair manuals.

24 b. Respondent Aydin violated California Code of Regulations, title 16, section 3305,
25 subdivision (a)(2), in that Respondent Aydin failed to inspect the Bureau vehicles according to
26 current standards, specifications, procedures, directives, manuals, bulletins and instructions issued
27 by vehicle and equipment or device manufacturers.

28 / /

1 c. Respondent Aydin violated California Code of Regulations, title 16, section 3305,
2 subdivision (a)(3), in that Respondent Aydin failed to inspect in accordance with the standards,
3 specifications and recommended procedures found in current industry-standard reference manuals
4 and periodicals published by nationally recognized repair information providers.

5 d. Respondent Aydin violated California Code of Regulations, title 16, section 3305,
6 subdivision (a)(4), in that Respondent Aydin failed to inspect in accordance with Bureau's
7 Handbook for Brake Adjusters and Stations, May 2015, which is hereby incorporated by
8 reference.

9 e. Respondent Aydin violated California Code of Regulations, title 16, section 3305,
10 subdivision (a)(5), in that Respondent Aydin failed to inspect in accordance with the Bureau's
11 Handbook for Lamp Adjusters and Stations, May 2015, which is hereby incorporated by
12 reference.

13
14
15 **UNDERCOVER OPERATION FOUR**

16 68. On April 27, 2017, a documented undercover operation, using a 2002 Honda was
17 performed on Quik Smog and Repair. The operator arrived at Quik Smog and Repair and
18 requested smog, brake and lamp inspections from Respondent Aydin. Respondent Aydin was
19 provided copy of the estimate. The operator then observed Respondent Aydin perform a Smog
20 Check inspection and partial lamp inspection. The operator saw that nobody checked the Honda's
21 brakes and that it was not test driven. After the inspections were completed, Respondent Aydin
22 explained to the operator that the Honda had passed and provided the operator with a Quik Smog
23 and Repair invoice dated April 27, 2017. The operator paid and left the facility.

24 69. On April 28, 2017, the Honda was re-inspected by the Bureau and was determined to
25 still fail brake inspection because of the undersized right front and left rear brakes. The tamper
26 indicators installed on each wheel were intact indicating they had not been removed to inspect the
27 brake rotors. Further, the Honda still also failed a lamp inspection because of misadjusted right
28 front headlight and tamper indicators installed on the headlight adjusters were still intact

1 indicating the headlights had not been adjusted. The Bureau inspection concluded that Brake and
2 Lamp Certificates should not have been issued to the Honda.

3 70. The estimate did not describe all service work requested in that it states, "Brake and
4 Light" and does not describe that brake and lamp inspections were requested. The estimate does
5 not list the individual cost of the brake and lamp inspections.

6 71. The invoice did not describe all service work performed in that it states, "Brake and
7 Light," and does not describe that brake and lamp inspections were performed. The Invoice does
8 not individually list the brake and lamp inspections. The invoice does not list that Brake and
9 Lamp certificates that were issued. The invoice shows a total charge of \$200.00 when the total
10 sum of the individual costs is \$208.25.

11 72. Brake Certificate No. BA 2524570 issued to the Honda by Station License Number
12 BS 259315 belonging to Quick Smog and Repair and Adjuster License Number BA 630349
13 belonging to Respondent Uzunsoy. The Brake Certificate shows the Purpose of Certification was
14 Registration of Reconstructed Vehicle. The Brake Certificate shows the Drums/Rotor were in
15 satisfactory conditions, when in fact the right front and left rear rotors were undersized. The
16 Brake Certificate shows the Honda was road tested when in fact the Honda was not road tested.
17 The Brake Certificate also contains a signature under penalty of perjury that the applicable
18 inspection, adjustment, or repair was performed as specified by the Bureau of Automotive Repair,
19 vehicle manufacturer and in accordance with the California Code of Regulations, the Vehicle
20 Code and the Business and Professions Code and that all statements made on the certificate are
21 true and correct, when in fact they were not. Moreover, at the time of this inspection and
22 certification Respondent Uzunsoy's Brake Adjuster license was expired, he was not at the facility
23 could not have performed the inspection.

24 73. Lamp Certificate LA 2491622 issued to the Honda by Station License Number LS
25 259315 belonging to Quik Smog and Repair and Adjuster License Number LA 630349 belonging
26 to Respondent Uzunsoy. The Lamp Certification shows the Purpose of the Certification was for
27 the Registration of Reconstructed Vehicle. The Lamp Certificate shows the Headlights were
28 inspected without adjustment and therefore remain out of adjustment/specification. The Lamp

1 Certificate also contained a signature under penalty of perjury that the applicable inspection,
2 adjustment, or repair was performed as specified by the Bureau of Automotive Repair, vehicle
3 manufacturer and in accordance with the California Code of Regulations, the Vehicle Code and
4 the Business and Professions Code and that all statements made on the certificate are true and
5 correct, when in fact they are not. Respondent Uzunsoy's Lamp Adjuster License was expired at
6 the time of the certification, he was not at the facility and could not have performed the
7 inspection.

8
9 **TWENTY-SEVENTH CAUSE FOR DISCIPLINE**

10 (False or Misleading Statements)

11 74. Respondent Quik Smog and Repair's Automotive Repair Dealership Registration is
12 subject to disciplinary action under section 9884.7, subdivision (a)(1), in that Respondent made
13 false and misleading statements by issuing fraudulent Brake and Lamp Certificates of
14 Compliance to the Bureau vehicle that did not meet standards and/or specifications and/or by
15 stating on the invoice brake and lamp inspections were performed when in fact, they had not been
16 performed as set forth above in paragraphs 68-73.

17
18 **TWENTY-EIGHTH CAUSE FOR DISCIPLINE**

19 (Failure to State Requested Repairs on Signed Work Order)

20 75. Respondent Quik Smog and Repair's Automotive Repair Dealership Registration is
21 subject to disciplinary action under section 9884.7, subdivision (a)(2), in that Respondent Quik
22 Smog and Repair allowed the customer to sign a work order that did not state the requested
23 repairs and/or odometer reading as set forth above in paragraphs 68-73.

24 / /

25 / /

26 / /

27 / /

28 / /

1 **TWENTY-NINTH CAUSE FOR DISCIPLINE**

2 (Fraud)

3 76. Respondent Quik Smog and Repair's Automotive Repair Dealership Registration is
4 subject to disciplinary action under section 9884.7, subdivision (a)(4), in that Respondent Quik
5 Smog and Repair committed fraud by issuing Brake and Lamp Certificates to the Bureau vehicle
6 without performing bona fide inspections as set forth above in paragraphs 68-73.

7
8 **THIRTIETH CAUSE FOR DISCIPLINE**

9 (Violation of Statutes and Regulations)

10 77. Respondent Quik Smog and Repair's Automotive Repair Dealership Registration is
11 subject to disciplinary action under section 9884.7, subdivision (a)(6), in that Respondent Quik
12 Smog and Repair, as set forth above in paragraphs 68-73, violated sections of that Code and
13 applicable regulations, as follows:

14 a. Respondent Quik Smog and Repair violated California Code of Regulations, title 16,
15 section 3305, subdivision (a), in that the brake and lamp inspections performed during the
16 undercover operation were not performed in accordance with any of the enumerated
17 specifications listed in this regulation.

18 b. Respondent Quik Smog and Repair violated California Code of Regulations, title 16,
19 section 3353, subdivision (a), by failing to provide the customer with a written estimate for parts
20 and labor for the job and describe on the estimate that brake and lamp inspections were requested
21 and by failing to list individual prices for the smog, brake and lamp inspections.

22 c. Respondent Quik Smog and Repair violated California Code of Regulations, title 16,
23 section 3356, subdivision (a)(2)(A), in that Respondent Quik Smog and Repair failed to describe
24 on the invoice all service work performed and the price for each described service and repair by
25 failing to describe on the invoice the brake and lamp certificates supplied and state separately on
26 the invoice the prices for the smog, brake and lamp inspections.

27 d. Respondent violated California Code of Regulations, title 16, section 3373, in that
28 Respondent made false or misleading statements on an invoice by issuing fraudulent brake and

1 lamp Certificates of Compliance to the Bureau vehicle that did not meet standards and/or
2 specifications by representing on the invoice that inspections were performed when they were
3 not.

4
5 **THIRTY-FIRST CAUSE FOR DISCIPLINE**

6 (Failure to Describe Work/Parts/Price)

7 78. Respondent Quik Smog and Repair's Automotive Repair Dealer Registration is
8 subject to discipline under section 9884.8, in that Respondent failed to describe on the invoice the
9 brake and lamp certificates supplied and failed to state separately on the invoice the labor prices
10 for smog, brake and lamp inspections as set forth above in paragraphs 68-73.

11
12 **THIRTY-SECOND CAUSE FOR DISCIPLINE**

13 (Failure to Provide Written Estimate)

14 79. Respondent Quik Smog and Repair's Automotive Repair Dealer Registration is
15 subject to discipline under section 9884.9, subdivision (a), in that Respondent failed to describe
16 on the estimate that brake and lamp inspections were requested and that Respondent did not list
17 the individual prices for the smog, brake and lamp inspections as set forth above in paragraphs
18 68-73.

19
20 **THIRTY-THIRD CAUSE FOR DISCIPLINE**

21 (Unlicensed Adjuster Activity)

22 80. Respondent Quik Smog and Repair's Brake and Lamp Station Licenses are subject to
23 disciplinary action under section 9888.3, in that unlicensed adjuster, Respondent Aydin, issued
24 Brake and Lamp Certificates of Compliance to the Bureau vehicle using Respondent Uzunsoy's
25 licenses as set forth above in paragraphs 68-73.

26 / /

27 / /

28 / /

1 **THIRTY-FOURTH CAUSE FOR DISCIPLINE**

2 (Unlicensed Adjuster Activity)

3 81. Respondent Uzunsoy's Brake and Lamp Adjuster Licenses are subject to disciplinary
4 action under section 9888.3, in that unlicensed adjuster, Respondent Aydin issued Brake and
5 Lamp Certificates of Compliance to the Bureau vehicle using Respondent Uzunsoy's licenses as
6 set forth above in paragraphs 68-73.

7
8 **THIRTY-FIFTH CAUSE FOR DISCIPLINE**

9 (Failure to Perform Brake and Lamp Inspections Per Bureau Requirements)

10 82. Respondent Uzunsoy's Brake and Lamp Adjuster Licenses are subject to disciplinary
11 action under section 9889.16, in that Respondent Uzunsoy's Brake and Lamp Adjuster Licenses
12 were used to issue Brake and Lamp Certificates of Compliance to the Bureau vehicle that did not
13 meet the standards and specifications as set forth above in paragraphs 68-73.

14
15 **THIRTY-SIXTH CAUSE FOR DISCIPLINE**

16 (Violation of Statutes and Regulations)

17 83. Respondent Uzunsoy's Brake and Lamp Adjuster Licenses are subject to disciplinary
18 action under section 9889.16, in that Respondent Uzunsoy, as set forth above in paragraphs 68-
19 73, failed to perform a proper brake and lamp inspection in compliance with Bureau regulations
20 as follows:

21 a. Respondent Uzunsoy violated California Code of Regulations, title 16, section 3305,
22 subdivision (a)(1), in that Respondent Uzunsoy failed to inspect the Bureau vehicle in accordance
23 with the manufacturers' current standards, specifications and recommended procedures, as
24 published in the manufacturers' vehicle service and repair manuals.

25 b. Respondent Uzunsoy violated California Code of Regulations, title 16, section 3305,
26 subdivision (a)(2), in that Respondent Uzunsoy failed to inspect the Bureau vehicle according to
27 current standards, specifications, procedures, directives, manuals, bulletins and instructions issued
28 by vehicle and equipment or device manufacturers.

1 c. Respondent Uzunsoy violated California Code of Regulations, title 16, section 3305,
2 subdivision (a)(3), in that Respondent Uzunsoy failed to inspect in accordance with the standards,
3 specifications and recommended procedures found in current industry-standard reference manuals
4 and periodicals published by nationally recognized repair information providers.

5 d. Respondent Uzunsoy violated California Code of Regulations, title 16, section 3305,
6 subdivision (a)(4), in that Respondent Uzunsoy failed to inspect in accordance with the Bureau's
7 Handbook for Brake Adjusters and Stations, May 2015, which is hereby incorporated by
8 reference.

9 e. Respondent Uzunsoy violated California Code of Regulations, title 16, section 3305,
10 subdivision (a)(5), in that Respondent Uzunsoy failed to inspect in accordance with the Bureau's
11 Handbook for Lamp Adjusters and Stations, May 2015, which is hereby incorporated by
12 reference.

13
14 **THIRTY-SEVENTH CAUSE FOR DISCIPLINE**

15 (Perjury)

16 84. Respondent Aydin's Smog Check License is subject to disciplinary action under
17 section 9889.22, in that unlicensed adjuster, Respondent Aydin, issued Brake and Lamp
18 Certificates of Compliance to the Bureau vehicle that did not meet standards and/or specifications
19 set forth above in paragraphs 68-73.

20 //

21 //

22 //

23 //

24 //

25 //

26 //

27 //

28 //

1 **THIRTY -EIGHTH CAUSE FOR DISCIPLINE**

2 (Violation of Statutes and Regulations)

3 85. Respondent Aydin's Technician License are subject to disciplinary action under
4 Health and Safety Code section 44072.(d), in that Respondent Aydin, as set forth above in
5 paragraphs 68-73, failed to perform a proper break and lamp inspection in compliance with
6 Bureau regulations as follows:

7 a. Respondent Aydin violated California Code of Regulations, title 16, section 3305,
8 subdivision (a)(1), in that Respondent Aydin failed to inspect the Bureau vehicle in accordance
9 with the manufacturers' current standards, specifications and recommended procedures, as
10 published in the manufacturers' vehicle service and repair manuals.

11 b. Respondent Aydin violated California Code of Regulations, title 16, section 3305,
12 subdivision (a)(2), in that Respondent Aydin failed to inspect the Bureau vehicles according to
13 current standards, specifications, procedures, directives, manuals, bulletins and instructions issued
14 by vehicle and equipment or device manufacturers.

15 c. Respondent Aydin violated California Code of Regulations, title 16, section 3305,
16 subdivision (a)(3), in that Respondent Aydin failed to inspect in accordance with the standards,
17 specifications and recommended procedures found in current industry-standard reference manuals
18 and periodicals published by nationally recognized repair information providers.

19 d. Respondent Aydin violated California Code of Regulations, title 16, section 3305,
20 subdivision (a)(4), in that Respondent Aydin failed to inspect in accordance with Bureau's
21 Handbook for Brake Adjusters and Stations, May 2015, which is hereby incorporated by
22 reference.

23 e. Respondent Aydin violated California Code of Regulations, title 16, section 3305,
24 subdivision (a)(5), in that Respondent Aydin failed to inspect in accordance with the Bureau's
25 Handbook for Lamp Adjusters and Stations, May 2015, which is hereby incorporated by
26 reference.

27 / /

28 / /

PRIOR CITATIONS

86. To determine the degree of penalty, if any, to be imposed upon Respondents,
Complainant alleges as follows:

a. On July 10, 2015, the Bureau issued Citation No. C2015-1700 to Respondent Quik Smog and Repair against the Smog Check Station License for violations of Health and Safety Code section 44012, subdivision (f) (failure to perform a visual/functional check of emission control devices) and California Code of Regulations, title 16, section 3340.35, subdivision (c) (issuing a certificate of compliance to a vehicle improperly tested). Respondent issued a certificate of compliance to a Bureau vehicle with a defective Fuel Evaporative Canister. The Bureau assessed a penalty of \$1,000.00. A request for formal appeal of Citation C2015-1700 was received October 2, 2015. Citation C2015-1700 was affirmed. On April 20, 2018, payment for Citation No. C2015-1700 was received. The Citation is now final and is incorporated herein by reference.

b. On August 4, 2015, the Bureau issued Citation No. M2015-1842 to Respondent Uzunsoy for violations of Health and Safety Code section 44012, subdivision (f) (failure to perform a visual/functional check of emission control devices) and California Code of Regulations, title 16, section 3340.35, subdivision (c) (issuing a certificate of compliance to a vehicle improperly tested). Respondent issued a certificate of compliance to a Bureau vehicle using a BAR97 Emission Inspection System, (EIS) when use of an OBD Inspection System (OIS) was required. The Bureau issued an order of abatement. The Citation is now final.

//

//

//

//

//

//

//

//

OTHER MATTERS

87. Pursuant to Code section 9884.7, subdivision (c), the Director may suspend, revoke, or place on probation the registration for all places of business operated in this state by to Pelin Sinag, upon a finding that Respondent Quik Smog and Repair, engaged in a course of repeated and willful violations of the laws and regulations pertaining to an automotive repair dealer.

88. Pursuant to Health & Safety Code section 44072.8, if Respondent Pelin Sinag's Smog Station License is revoked or suspended, any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of said licensee may be likewise revoked or suspended by the director.

89. Pursuant to Code section 9889.9, if Lamp Station License Number LS 259315, Class A, issued to Respondent Pelin Sinag, is revoked or suspended, any additional license issued under Articles 5 and 6 of Chapter 20.3 of Division 3 of the Code in the name of said licensee may be likewise revoked or suspended by the Director.

90. Pursuant to Code section 9889.9, if Brake Station License Number BS 259315, Class C, issued to Respondent Pelin Sinag, is revoked or suspended, any additional license issued under Articles 5 and 6 of Chapter 20.3 of Division 3 of the Code in the name of said licensee may be likewise revoked or suspended by the Director.

91. Pursuant to Code section 9889.9, if Lamp Adjuster License Number LA 630349, Class A, issued to Ugur Uzunsoy, is revoked or suspended, any additional license issued under Articles 5 and 6 of Chapter 20.3 of Division 3 of the Code in the name of said licensee may be likewise revoked or suspended by the Director.

92. Pursuant to Code section 9889.9, if Brake Adjuster License Number BA 630349, issued to Ugur Uzunsoy, Class C, is revoked or suspended, any additional license issued under Articles 5 and 6 of Chapter 20.3 of Division 3 of the Code in the name of said licensee may be likewise revoked or suspended by the Director.

93. Pursuant to Health & Safety Code section 44072.8, if Smog Check Inspector License Number EO 633613, issued to Erin Aydin is revoked or suspended, any additional license issued

1 under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of said
2 licensee may be likewise revoked or suspended by the director.

3 94. Pursuant to Health & Safety Code section 44072.8, if Smog Check Repair Technician
4 License Number EI 633613, issued to Erin Aydin is revoked or suspended, any additional license
5 issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of said
6 licensee may be likewise revoked or suspended by the director.

7
8 **PRAYER**

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

11 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
12 259315, issued to Quik Smog and Repair, Pelin Sinag, Owner;

13 2. Revoking or suspending any other Automotive Repair Dealer Registration issue to
14 Pelin Sinag;

15 3. Revoking or suspending Smog Check Test and Repair Station License Number RC
16 259315, issued to Quik Smog and Repair, Pelin Sinag, Owner;

17 4. Revoking or suspending Lamp Station License Number LS 259315, Class A, issued
18 to Quik Smog and Repair, Pelin Sinag, Owner;

19 5. Revoking or suspending Brake Station License Number BS 259315, Class C, issued
20 to Quik Smog and Repair, Pelin Sinag, Owner;

21 6. Revoking or suspending Smog Check Inspector License Number EO 630349, issued
22 to Ugur Uzunsoy;

23 7. Revoking or suspending Brake Adjuster License Number BA 630349, Class A, issued
24 to Ugur Uzunsoy;

25 8. Revoking or suspending Lamp Adjuster License Number LA 630349, Class A, issued
26 to Ugur Uzunsoy;

27 9. Revoking or suspending Smog Check Inspector License Number EO 633613, issued
28 to Ersin Aydin;

10. Revoking or suspending Smog Check Repair Technician License Number EI 633613,
issued to Ersin Aydin;

11. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
division 26 of the Health and Safety Code in the name of Pelin Sinag.

12. Revoking or suspending any other license under Chapter 20 Articles 5 & to Pelin
Sinag;

13. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
division 26 of the Health and Safety Code in the name of Ugur Uzunsoy.

14. Revoking or suspending any additional license issued under Chapter 20 Articles 5 &
6 issues to Ugur Uzunsoy;

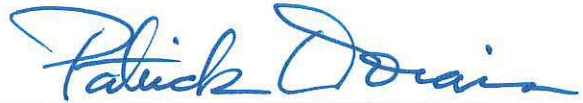
15. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
division 26 of the Health and Safety Code in the name of Ersin Aydin.

16. Ordering Pelin Sinag, Ugur Uzunsoy and Ersin Aydin 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,

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

DATED:

October 15, 2019



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

SF2017402309
21488433.docx