

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

STATE OF CALIFORNIA

In the Matter of the Accusation Against:

CHEVREM CORPORATION dba WALNUT CREEK STAR SMOG, FATIH TEKIN, PRESIDENT

690 Ygnacio Valley Road, #3

Walnut Creek, CA 94596

Automotive Repair Dealer Registration No. ARD 221700

Smog Check Test Only Station License No. TC 221700

FATIH TEKIN

5200 Telegraph Avenue

Oakland, CA 94609

Mailing Address:

121 Diamond Court

Hercules, CA 94547

Smog Check Inspector No. EO 26524

ALI NADIR GUNGOR

10439 San Pablo Ave. Unit A

El Cerrito, CA 94530

Mailing Address:

940 Baines St.

East Palo Alto, CA 94303

Smog Check Inspector No. EO 634506

ERSIN IRIC

3550 Pacific Avenue

Livermore, CA 94550

Smog Check Inspector No. EO 635356

Respondents.


Case No. 79/17-1198

DECISION

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

This Decision shall become effective on May 4, 2021.

DATED: March 17, 2021



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

1 XAVIER BECERRA
Attorney General of California
2 CHAR SACHSON
Supervising Deputy Attorney General
3 JUSTIN R. SURBER
Deputy Attorney General
4 State Bar No. 226937
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 355-5437
6 Facsimile: (415) 703-5480
Attorneys for Complainant
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8 **BEFORE THE**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 79/17-1198

13 **CHEVREM CORPORATION**
14 **d.b.a WALNUT CREEK STAR SMOG**
15 **FATIH TEKIN, PRESIDENT**
690 Ygnacio Valley Road, #3
Walnut Creek, CA 94596

**STIPULATED SETTLEMENT
AND DISCIPLINARY ORDER**

As To Ali Gungor only

16 **Automotive Repair Dealer No. ARD 221700**
17 **Smog Check, Test Only, License No. TC 221700**

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

19 **Mailing address:**
20 **121 Diamond Court**
Hercules, CA 94547

21 **Smog Check Inspector License No. EO 26524**

22 **ALI NADIR GUNGOR**
23 **10439 San Pablo Ave., Unit A**
El Cerrito, CA 94530

24 **Mailing address:**
25 **940 Baines St.**
East Palo Alto, CA 94303

26 **Smog Check Inspector License No. EO 634506**
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1 **ERSIN IRIC**
2 **3550 Pacific Avenue**
3 **Livermore, CA 94550**

4 **Smog Check Inspector License No. EO 635356**

5 Respondents.

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

8 **PARTIES**

9 1. Patrick Dorais (Complainant) is the Chief of the Bureau of Automotive Repair
10 (Director). He brought this action solely in his official capacity and is represented in this matter
11 by Xavier Becerra, Attorney General of the State of California, by Justin R. Surber, Deputy
12 Attorney General.

13 2. Respondent Ali Nadir Gungor (Respondent) is representing himself in this proceeding
14 and has chosen not to exercise his right to be represented by counsel.

15 3. On or about July 18, 2012, the Bureau issued Advanced Emission Specialist
16 Technician License Number EA 634506 to Ali Nadir Gungor (Respondent Gungor). The
17 Advanced Emission Specialist Technician License was cancelled on April 16, 2014. Pursuant to
18 California Code of Regulations, title 16, section 3340.28, subdivision (e), the license was
19 renewed, pursuant to Respondent's election, as Smog Check Inspector License Number EO
20 634506, effective April 16, 2014. The Smog Check Inspector License was in full force and effect
21 at all times relevant to the charges brought herein and will expire on July 31, 2022, unless
22 renewed.

23 **JURISDICTION**

24 4. Accusation No. 79/17-1198 was filed before the Director of the Department of
25 Consumer Affairs (Director), for the Bureau of Automotive Repair, and is currently pending
26 against Respondent. The Accusation and all other statutorily required documents were properly
27 served on Respondent on September 27, 2019. Respondent timely filed his Notice of Defense
28 contesting the Accusation.

5. A copy of Accusation No. 79/17-1198 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent has carefully read, and understands the charges and allegations in Accusation No. 79/17-1198. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

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

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

CULPABILITY

9. Respondent understands and agrees that the charges and allegations in Accusation No. 79/17-1198, if proven at a hearing, constitute cause for imposing discipline upon his Smog Check Inspector License.

10. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest those charges.

11. Respondent agrees that his Automotive Repair Dealer Registration is subject to discipline and they agree to be bound by the Director's probationary terms as set forth in the Disciplinary Order below.

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1 and state statutes, regulations and rules governing all BAR registrations and licenses held by
2 Respondent.

3 1. **Quarterly Reporting.** During the period of probation, Respondent shall report either
4 by personal appearance or in writing as determined by BAR on a schedule set by BAR, but no
5 more frequently than once each calendar quarter, on the methods used and success achieved in
6 maintaining compliance with the terms and conditions of probation.

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

12 3. **Access to Examine Vehicles and Records.** Respondent shall provide BAR
13 representatives unrestricted access to examine all vehicles (including parts) undergoing service,
14 inspection, or repairs, up to and including the point of completion. Respondent shall also provide
15 BAR representatives unrestricted access to all records pursuant to BAR laws and regulations.

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

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

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

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

19 **8. License Surrender.** Following the effective date of a decision that orders a stay of
20 invalidation or revocation, if Respondent ceases business operations or is otherwise unable to
21 satisfy the terms and conditions of probation, Respondent may request that the stay be vacated.
22 Such request shall be made in writing to BAR. The Director and the BAR Chief reserve the right
23 to evaluate the Respondent's request and to exercise discretion whether to grant the request or
24 take any other action deemed appropriate or reasonable under the circumstances. Upon formal
25 granting of the request, the Director will vacate the stay order and carry out the disciplinary order
26 provided in the decision. Respondent may not petition the Director for reinstatement of the
27 surrendered registration and/or license, or apply for a new registration or license under the
28 jurisdiction of BAR at any time before the date of the originally scheduled completion of

1 probation. If Respondent applies to BAR for a registration or license at any time after that date,
2 Respondent must meet all current requirements for registration or licensure and pay all
3 outstanding fees or cost recovery owed to BAR and left outstanding at the time of surrender.

4 **9. Training Course**

5 During the period of probation, Respondent shall attend and successfully complete a 28
6 hour BAR-specified and -approved training course in inspection, diagnosis and/or repair of
7 emission systems failures and engine performance, applicable to the class of license held by the
8 Respondent. Respondent shall provide to the Bureau proof of enrollment in the course within 180
9 days of the effective date of the decision, and proof of successful course completion within 330
10 days of the effective date of the decision. Failure to provide proof of enrollment and/or successful
11 course completion to the Bureau within the timeframes specified shall constitute a violation of
12 probation, and Respondent shall be prohibited from issuing any certificate of compliance or
13 noncompliance until such proof is received.

14 **FURTHER ORDER**

15 IT IS HEREBY ORDERED that the order of probation contained in this Decision and
16 Order, shall not be cause for the invalidation of any STAR Certification of any smog check
17 station at which Respondent is now employed or may be employed in the future.

18 **ACCEPTANCE**

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

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24 DATED: 11/24/2020


25 ALI NADIR GUNGOR
Respondent

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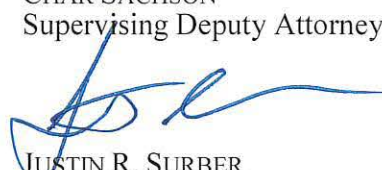
ENDORSEMENT

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

DATED: 12/8/20

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
CHAR SACHSON
Supervising Deputy Attorney General


JUSTIN R. SURBER
Deputy Attorney General
Attorneys for Complainant

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