

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

STATE OF CALIFORNIA

In the Matter of the Accusation and Petition to Revoke Probation Against:

ALI NADIR GUNGOR

2686 Pleasant Hill Rd.

Pleasant Hill, CA 94523

Smog Check Inspector License No. EO 634506

Respondent.

Case No. 79/21-13697

DECISION

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

This Decision shall become effective on April 4, 2023.

DATED: Feb 8, 2023



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

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Attorney General of California
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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 and Petition to
Revoke Probation Against:

Case No. 79/21-13697

13 **ALI NADIR GUNGOR**
14 2686 Pleasant Hill Rd.
Pleasant Hill, CA 94523

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 **Smog Check Inspector License No. EO**
16 **634506**

17 Respondents.

18
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 **PARTIES**

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

26 2. Respondent Ali Nadir Gungor (Respondent) is representing himself in this proceeding
27 and has chosen not to exercise his right to be represented by counsel.
28

1 3. On or about July 18, 2012, the Director issued Advanced Emission Specialist
2 Technician License Number EA 634506 to Ali Nadir Gungor (Respondent). Respondent's
3 advanced emission specialist technician license was set to expire on July 31, 2014, but was
4 cancelled on April 16, 2014. Pursuant to California Code of Regulations, title 16, section
5 3340.28, subdivision (e), the license was renewed, pursuant to Respondent's election, as Smog
6 Check Inspector License EO 634506. Respondent's Smog Check Inspector License will expire
7 on July 31, 2024, unless renewed.

8 **JURISDICTION**

9 4. Accusation and Petition to Revoke Probation No. 79/21-13697 was filed before the
10 Director of the Department of Consumer Affairs (Director), and is currently pending against
11 Respondent. The Accusation and Petition to Revoke Probation and all other statutorily required
12 documents were properly served on Respondent on May 18, 2022. Respondent timely filed his
13 Notice of Defense contesting the Accusation and Petition to Revoke Probation.

14 5. A copy of Accusation and Petition to Revoke Probation No. 79/21-13697 is attached
15 as exhibit A and incorporated herein by reference.

16 **ADVISEMENT AND WAIVERS**

17 6. Respondent has carefully read, and understands the charges and allegations in
18 Accusation Petition to Revoke Probation No. 79/21-13697. Respondent has also carefully read,
19 and understands the effects of this Stipulated Settlement and Disciplinary Order.

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

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

1 CULPABILITY

2 9. Respondent admits the truth of each and every charge and allegation in Accusation
3 and Petition to Revoke Probation No. 79/21-13697.

4 10. Respondent agrees that his Smog Check Inspector License is subject to discipline and
5 he agrees to be bound by the Director's probationary terms as set forth in the Disciplinary Order.
6 below.

7 CONTINGENCY

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

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

21 13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
22 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
23 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
24 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
25 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
26 writing executed by an authorized representative of each of the parties.
27
28

1 14. In consideration of the foregoing admissions and stipulations, the parties agree that
2 the Director may, without further notice or formal proceeding, issue and enter the following
3 Disciplinary Order:

4 **DISCIPLINARY ORDER**

5 IT IS HEREBY ORDERED that Smog Check Inspector License No. EO 634506 issued to
6 Respondent Ali Nadir Gungor is revoked. However, the revocation is stayed and Respondent is
7 placed on probation for two (2) years on the following terms and conditions:

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

11 2. **Posting of Sign.** (Applicable only when actual suspension of a registration or station
12 license is ordered): During the period of suspension, Respondent shall prominently post a sign or
13 signs, provided by BAR, indicating the beginning and ending dates of the suspension and
14 indicating the reason for the suspension. The sign or signs shall be conspicuously displayed in a
15 location or locations open to and frequented by customers. The location(s) of the sign(s) shall be
16 approved by BAR and shall remain posted during the entire period of actual suspension.

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

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

26 5. **Tolling of Probation.** If, during probation, Respondent leaves the jurisdiction of
27 California to reside or do business elsewhere or otherwise ceases to do business in the jurisdiction
28 of California, Respondent shall notify BAR in writing within 10 days of the dates of departure

1 and return, and of the dates of cessation and resumption of business in California. All provisions
2 of probation other than cost reimbursement requirements, restitution requirements, training
3 requirements, and that Respondent obey all laws, shall be held in abeyance during any period of
4 time of 30 days or more in which Respondent is not residing or engaging in business within the
5 jurisdiction of California. All provisions of probation shall recommence on the effective date of
6 resumption of business in California. Any period of time of 30 days or more in which Respondent
7 is not residing or engaging in business within the jurisdiction of California shall not apply to the
8 reduction of this probationary period or to any period of actual suspension not previously
9 completed. Tolling is not available if business or work relevant to the probationary license or
10 registration is conducted or performed during the tolling period.

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

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

25 **8. Cost Recovery.** Respondent shall pay the Bureau of Automotive Repair \$5,000 for
26 the reasonable costs of the investigation and enforcement of case No. 79/21-13697. Respondent
27 shall make such payments as follows: Respondent shall make 17 sequential monthly payments in
28 the amount of \$277.77 and a final payment of \$277.91. The payment plan must to be completed

1 no later than six (6) months before probation terminates. Respondent shall make payment by
2 check or money order payable to the Bureau of Automotive Repair and shall indicate on the
3 check or money order that it is for cost recovery payment for case No. 79/21-13697. Any order
4 for payment of cost recovery shall remain in effect whether or not probation is tolled. Probation
5 shall not terminate until full cost recovery payment has been made. BAR reserves the right to
6 pursue any other lawful measures in collecting on the costs ordered and past due, in addition to
7 taking action based upon the violation of probation.

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

12 **10. License Surrender.** Following the effective date of a decision that orders a stay of
13 invalidation or revocation, if Respondent ceases business operations or is otherwise unable to
14 satisfy the terms and conditions of probation, Respondent may request that the stay be vacated.
15 Such request shall be made in writing to BAR. The Director and the BAR Chief reserve the right
16 to evaluate the Respondent's request and to exercise discretion whether to grant the request or
17 take any other action deemed appropriate or reasonable under the circumstances. Upon formal
18 granting of the request, the Director will vacate the stay order and carry out the disciplinary order
19 provided in the decision. Respondent may not petition the Director for reinstatement of the
20 surrendered registration and/or license, or apply for a new registration or license under the
21 jurisdiction of BAR at any time before the date of the originally scheduled completion of
22 probation. If Respondent applies to BAR for a registration or license at any time after that date,
23 Respondent must meet all current requirements for registration or licensure and pay all
24 outstanding fees or cost recovery owed to BAR and left outstanding at the time of surrender.

25 **11. Notification to Employer.** When performing services that fall within the scope of
26 his or her license, Respondent shall provide each of his or her current or future employers a copy
27 of the decision and the underlying Accusation or Statement of Issues before commencing
28 employment. Notification to Respondent's current employer shall occur no later than the effective

1 date of the decision. Respondent shall submit to BAR, upon request, satisfactory evidence of
2 compliance with this term of probation.

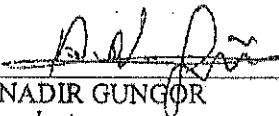
3 **FURTHER ORDER**

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

7 **ACCEPTANCE**

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

12
13 DATED: 12/26/22


14 ALI NADIR GUNGOR
15 Respondent

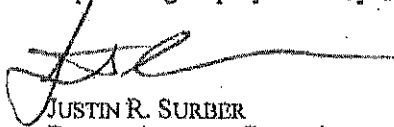
16 **ENDORSEMENT**

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

19 DATED: 1/10/23

Respectfully submitted,

20 ROB BONTA
21 Attorney General of California
22 CHAR SACHSON
23 Supervising Deputy Attorney General


24 JUSTIN R. SURBER
25 Deputy Attorney General
26 Attorneys for Complainant

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