

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

In the Matter of the Accusation Against:

REZA KUCHEKI,
AKA REZA RAY KUCHEKI,
AKA RAY R. KUCHEKI,
AKA REZA KOUCHEKI
48 Stoney Point
Laguna Niguel, CA 92677

Case No. 79/14-65

Smog Check Inspector License No.
EO 635249

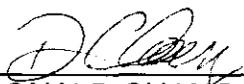
Respondent.

DECISION

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

This Decision shall become effective February 18, 2014.

DATED: JAN 24 2015



DONALD CHANG
Assistant Chief Counsel
Department of Consumer Affairs

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
3 LAURO A. PAREDES
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Attorneys for Complainant

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

12 In the Matter of the Accusation Against:
13 **REZA KUCHEKI,**
14 **AKA REZA RAY KUCHEKI,**
15 **AKA RAY R. KUCHEKI,**
16 **AKA REZA KOUCHEKI**
48 Stoney Point
Laguna Niguel, CA 92677
17 Smog Check Inspector License No. EO
635249
18
19 Respondent.

Case No. 79/14-65
**STIPULATED REVOCATION OF
LICENSE AND ORDER**

20
21 In the interest of a prompt and speedy settlement of this matter, consistent with the public
22 interest and the responsibilities of the Director of Consumer Affairs and the Bureau of
23 Automotive Repair the parties hereby agree to the following Stipulated Revocation of License
24 and Disciplinary Order which will be submitted to the Director for the Director's approval and
25 adoption as the final disposition of the Accusation.

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1 PARTIES

2 1. Patrick Dorais (Complainant) is the Chief of the Bureau of Automotive Repair. He
3 brought this action solely in his official capacity and is represented in this matter by Kamala D.
4 Harris, Attorney General of the State of California, by Lauro A. Paredes, Deputy Attorney
5 General.

6 2. Reza Kucheki, aka Reza Ray Kucheki, aka Ray R. Kucheki, aka Reza Koucheki
7 (Respondent) is representing himself in this proceeding and has chosen not to exercise his right to
8 be represented by counsel.

9 3. On or about February 27, 2013, the Bureau of Automotive Repair issued Smog
10 Check Inspector License No. EO 635249 to Reza Kucheki, aka Reza Ray Kucheki, aka Ray R.
11 Kucheki, aka Reza Koucheki (Respondent). The Smog Check Inspector License was in full force
12 and effect at all times relevant to the charges brought in Accusation No. 79/14-65 and will expire
13 on May 31, 2015, unless renewed.

14 JURISDICTION

15 4. Accusation No. 79/14-65 was filed before the Director of Consumer Affairs ;
16 (Director), for the Bureau of Automotive Repair (Bureau), and is currently pending against
17 Respondent. The Accusation and all other statutorily required documents were properly served
18 on Respondent on December 5, 2013. Respondent timely filed his Notice of Defense contesting
19 the Accusation. A copy of Accusation No. 79/14-65 is attached as Exhibit A and incorporated by
20 reference.

21 ADVISEMENT AND WAIVERS

22 5. Respondent has carefully read, and understands the charges and allegations in
23 Accusation No. 79/14-65. Respondent also has carefully read, and understands the effects of this
24 Stipulated Revocation of License and Order.

25 6. Respondent is fully aware of his legal rights in this matter, including the right to a
26 hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
27 his own expense; the right to confront and cross-examine the witnesses against him; the right to
28 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel

1 the attendance of witnesses and the production of documents; the right to reconsideration and
2 court review of an adverse decision; and all other rights accorded by the California
3 Administrative Procedure Act and other applicable laws.

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

6 **CULPABILITY**

7 8. Respondent admits the truth of each and every charge and allegation in Accusation
8 No. 79/14-65, agrees that cause exists for discipline and revocation of his Smog Check Inspector
9 License No. EO 635249 for the Bureau's formal acceptance.

10 9. Respondent understands that by signing this stipulation he enables the Director to
11 issue his order accepting the revocation of his Smog Check Inspector License without further
12 process.

13 **CONTINGENCY**

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

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

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1 5. Respondent shall pay the agency its costs of investigation and enforcement in the
2 amount of \$1,037.50 upon application for a new or reinstated license.

3 ACCEPTANCE

4 I have carefully read the Stipulated Revocation of License and Order. I understand the
5 revocation and the effect it will have on my Smog Check Inspector License. I enter into this
6 Stipulated Revocation of License and Order voluntarily, knowingly, and intelligently, and agree
7 to be bound by the Decision and Order of the Director of Consumer Affairs.

8
9 DATED: 12-20-2013

10 
11 REZA KUCHEKI, AKA REZA RAY KUCHEKI,
12 AKA RAY R. KUCHEKI, AKA REZA
13 KOUCHEKI
14 Respondent

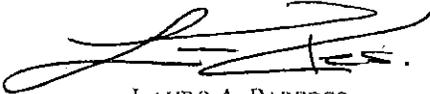
15 ENDORSEMENT

16 The foregoing Stipulated Revocation of License and Order is hereby respectfully submitted
17 for consideration by the Director of Consumer Affairs.

18 Dated:

19 Respectfully submitted,

20 KAMALA D. HARRIS
21 Attorney General of California
22 LINDA K. SCHNEIDER
23 Supervising Deputy Attorney General

24 
25 LAURO A. PAREDES
26 Deputy Attorney General
27 *Attorneys for Complainant*

28 SD2013706218
Revised Kucheki.doc

Exhibit A

Accusation No. 79/14-65

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
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3 LAURO A. PAREDES
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17 **48 Stoney Point**
Laguna Niguel, CA 92677

18 **Smog Check Inspector License No. EO**
635249

19 Respondent.

Case No. *79/14-65*

A C C U S A T I O N

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21 Complainant alleges:

22 **PARTIES**

- 23 1. Patrick Dorais (Complainant) brings this Accusation solely in his official capacity as
24 the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs (BAR).
25 2. On or about February 27, 2013, the Bureau of Automotive Repair issued Smog
26 Check Inspector License Number EO 635249 to Reza Kucheki, aka Reza Ray Kucheki, aka Ray
27 R. Kucheki, aka Reza Koucheki (Respondent). The Smog Check Inspector License was in full
28

1 force and effect at all times relevant to the charges brought herein and will expire on May 31,
2 2015, unless renewed.

3 **JURISDICTION**

4 3. This Accusation is brought before the Director of Consumer Affairs (Director) for the
5 Bureau of Automotive Repair, under the authority of the following laws.

6 4. Health and Safety Code (Health & Saf. Code) section 44002 provides, in pertinent
7 part, that the Director has all the powers and authority granted under the Automotive Repair Act
8 for enforcing the Motor Vehicle Inspection Program.

9 5. Health & Saf. Code section 44072.6 provides, in pertinent part, that the expiration or
10 suspension of a license by operation of law, or by order or decision of the Director of Consumer
11 Affairs, or a court of law, or the voluntary surrender of the license shall not deprive the Director
12 of jurisdiction to proceed with disciplinary action.

13 **STATUTORY PROVISIONS**

14 6. Health & Saf. Code section 44072.2 states, in pertinent part:

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

17 ...

18 (e) Has misrepresented a material fact in obtaining a license.

19

20
21 7. Health & Saf. Code section 44072.11 states, in pertinent part:

22

23 (b) Any smog check station or technician's license granted by the department is a privilege
24 and not a vested right, and may be revoked or suspended by the department for any of the reasons
25 specified in Section 44072.1 or on evidence that the station or technician is not in compliance
with any of the requirements of subdivision (a).

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1 **COST RECOVERY**

2 8. Section 125.3 of the Code provides, in pertinent part, that the Director may request
3 the administrative law judge to direct a licentiate found to have committed a violation or
4 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
5 and enforcement of the case.

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Untrue or Misleading Statements)**

8 9. Respondent's Smog Check Inspector registration is subject to disciplinary action
9 pursuant to Health & Saf. Code section 44072.2, subdivision (e), in that Respondent provided
10 false information in order to receive his registration. The circumstances are as follows:

11 a. On or about January 17, 2013, Respondent Kouchekei submitted an application
12 for Initial Smog Check Inspector to BAR's licensing unit. The application was signed under
13 penalty of perjury by Respondent on or about December 18, 2012. In his application for
14 licensure Respondent denied having ever been issued a license by BAR, denied ever having had a
15 license denied or suspended and denied any history of criminal conviction.

16 b. Respondent misrepresented a material fact on his application when he denied
17 ever having been convicted of a misdemeanor or felony. On or about December 11, 1997,
18 Respondent pled guilty to one felony count of violation of Vehicle Code section 4463 subsection
19 (a)(1), forgery, alteration, counterfeit or falsification of registration, license plate, certificate,
20 license, etc., or disabled person placard. Respondent was sentenced to 60 days in the Orange
21 county jail and ordered to pay fines and court costs.

22 c. Respondent misrepresented a material fact on his application when he denied
23 ever having received a license from BAR. In 1995, Respondent was issued Smog Check
24 Technician License No. EU 124416. In 1995, Respondent, along with a partner received
25 Automotive Repair Dealer registration No. ARD 184725 and Smog Check Station License RC
26 184725. In 1997 BAR issued Respondent Automotive Repair Dealer registration No. ARD
27 192658 and RC 192658.

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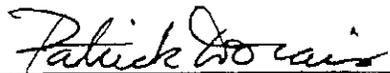
d. Respondent misrepresented a material fact on his application when he denied ever having had a license revoked by BAR. In May of 1998 Respondent's ARD, RC and EU registrations were all revoked by BAR.

PRAYER

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

- 1. Revoking or suspending Smog Check Inspector License Number EO 635249, issued to Reza Kucheki, aka Reza Ray Kucheki, aka Ray R. Kucheki, aka Reza Kouchekei;
- 2. Ordering Reza Kucheki, aka Reza Ray Kucheki, aka Ray R. Kucheki, aka Reza Kouchekei, 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;
- 3. Taking such other and further action as deemed necessary and proper.

DATED: December 4, 2013


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

SD2013706218
Revised Kucheki Accusation.doc