

**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

FAITH TEKIN

5200 Telegraph Avenue

Oakland, CA 94609

Mailing Address:

121 Diamond Court

Hercules, CA 94547

Smog Check Inspector No. EO 26524

Smog Check Repair Technician License No. EI 139005

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 Ave. #602

Livermore, CA 94550

Smog Check Inspector No. EO 635356

Respondents.


Case No. 79/17-1198

DECISION

The attached Request to Correct Decision and Order Nunc Pro Tunc as to Ersin Iric 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 December 14, 2021.

DATED: Nov. 3, 2021



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

1 ROB BONTA
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
7

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

**REQUEST TO CORRECT
DECISION AND ORDER NUNC
PRO TUNC**

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

As To Ersin Iric only

17 **FATIH TEKIN**
18 **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
27
28

1 **ERSIN IRIC**
2 **3550 Pacific Avenue, #602**
3 **Livermore, CA 94550**
4 **Smog Check Inspector License No. EO 635356**
 Respondents.

5
6 IT IS HEREBY REQUESTED by the parties to the above-entitled proceedings that the
7 following matters are true:

8 **PARTIES**

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

13 2. Respondent Ersin Iric (Respondent) is represented in this proceeding by William
14 Ferreira, whose address is: 580 California Street, Ste 1200, San Francisco, CA 94104.

15 3. On or about March 29, 2013, the Bureau issued Advanced Emission Specialist
16 Technician License Number EA 635356 to Respondent. The Advanced Emission Specialist
17 Technician License was cancelled on November 10, 2014. Pursuant to California Code of
18 Regulations, title 16, section 3340.28, subdivision (e), the license was renewed, pursuant to
19 Respondent's election, as Smog Check Inspector License Number EO 635356, effective
20 November 10, 2014. The Smog Check Inspector License was in full force and effect at all times
21 relevant to the charges brought herein and will expire on October 31, 2022, unless renewed.

22 4. On or about March 7, 2018, the Bureau issued Automotive Repair Dealer Registration
23 No. ARD 289814 to Respondent dba Marin Star Smog. Automotive Repair Dealer Registration
24 No. ARD 289814 will expire on March 31, 2022 unless renewed.

25 5. On or about March 21, 2018, the Bureau issued Smog Check, Test Only, Station
26 License No. TC 289814 to Respondent. Smog Check, Test Only, Station License No. TC 289814
27 will expire on March 31, 2022 unless renewed. The Station License has been issued a STAR
28 certification.

HISTORY

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

7 7. On or about July 27, 2020, Respondent applied for an additional Automobile Repair
8 Dealer Registration and Smog Check Station License at 2686 Pleasant Hill Rd., Pleasant Hill CA
9 94523. Respondent would be doing business as Pleasant Hill Star Smog.

10 8. On or about October 21, 2020, The Bureau denied Respondent's applications. The
11 denial was based on the same facts and allegations contained Accusation No. 79/17-1198.
12 Respondent appealed the denials of his applications for registration and licensure.

13 9. On or about December 14, 2020, counsel for the Bureau sent Respondent's counsel a
14 Stipulated Settlement and Disciplinary Order resolving both the Accusation and the appealed
15 application denial. Among other things, that Settlement placed Respondent's Smog Inspector
16 license on probation, granted Respondent's Applications and required Respondent to take a 28-
17 hour training course.

18 10. Respondent and his counsel signed that Stipulated Settlement and returned the signed
19 signature page.

20 11. Counsel for the Bureau accidentally attached the signature page to a prior version of
21 the Stipulated Settlement that contained a 68 hour Training Course. All other provisions were the
22 same. This was not the Stipulated Settlement that the parties agreed to.

23 12. On or about March 8, 2021, The Department of Consumer Affairs adopted the
24 Stipulated Settlement and Disciplinary Order that contained the incorrect version of the Stipulated
25 Settlement and Disciplinary Order. A copy of the March 8, 2021, Decision and Order containing
26 the incorrect Stipulated Settlement is attached as Exhibit A.

27 13. A True and Correct copy of the Stipulated Settlement and Disciplinary Order that the
28 Parties actually agreed to is attached as Exhibit B.

REQUEST OF THE PARTIES

14. The Parties hereby request an order nunc pro tunc correcting the error and allowing the agreed upon Stipulated Settlement and Disciplinary Order to take effect.

15. The Parties request that the Stipulated Settlement and Disciplinary Order attached in Exhibit B replace the one contained in Exhibit A as the Decision and Order in this matter.

I have carefully read the above Request to Correct Order Nunc Pro Tunc and have fully discussed it with my attorney, William Ferreira. The Stipulated Settlement attached as Exhibit B is what I agreed to. I hereby request the Bureau and The Department of Consumer Affairs issue an order nunc pro tunc allowing the Stipulated Settlement and Disciplinary Order contained in Exhibit B become the Decision and Order in this matter.

DATED: 9/23/2021



ERSIN IRIC
Respondent

I have read and fully discussed with Ersin Iric, the terms and conditions and other matters contained in the above Request to Correct Order Nunc Pro Tunc. I approve its form and content.

DATED: 9-23-21



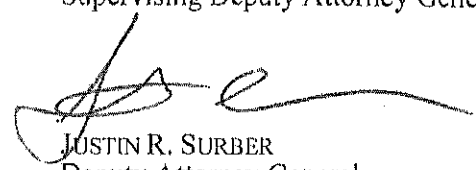
WILLIAM FERREIRA
Attorney for Respondent

The Stipulated Settlement and Disciplinary Order Contained in Exhibit B is what Respondent signed and the Parties agreed to. This Office requests an Order nunc pro tunc allowing the Stipulated Settlement and Disciplinary Order contained in Exhibit B become the Decision and Order in this matter.

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DATED: 9/23/21

Respectfully submitted,
ROB BONTA
Attorney General of California
CHAR SACHSON
Supervising Deputy Attorney General



JUSTIN R. SURBER
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

March 8, 2021 Decision and Order

Exhibit B

Stipulated Settlement and Disciplinary Order Agreed to by the Parties

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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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 Ersin Iric only

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

17 **FATIH TEKIN**
18 **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
27
28

1 **ERSIN IRIC**
2 **3550 Pacific Avenue, #602**
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 (Bureau). He brought this action solely in his official capacity and is represented in this matter by
11 Xavier Becerra, Attorney General of the State of California, by Justin R. Surber, Deputy Attorney
12 General.

13 2. Respondent Ersin Iric (Respondent) is represented in this proceeding by William
14 Ferreira, whose address is: 580 California Street, Ste 1200, San Francisco, CA 94104

15 3. On or about March 29, 2013, the Bureau issued Advanced Emission Specialist
16 Technician License Number EA 635356 to Respondent. The Advanced Emission Specialist
17 Technician License was cancelled on November 10, 2014. Pursuant to California Code of
18 Regulations, title 16, section 3340.28, subdivision (e), the license was renewed, pursuant to
19 Respondent's election, as Smog Check Inspector License Number EO 635356, effective
20 November 10, 2014. The Smog Check Inspector License was in full force and effect at all times
21 relevant to the charges brought herein and will expire on October 31, 2022, unless renewed.

22 4. On or about March 7, 2018, the Bureau issued Automotive Repair Dealer Registration
23 No. ARD 289814 to Respondent dba Marin Star Smog. Automotive Repair Dealer Registration
24 No. ARD 289814 will expire on March 31, 2021 unless renewed.

25 5. On or about March 21, 2018, the Bureau issued Smog Check, Test Only, Station
26 License No. TC 289814 to Respondent. Smog Check, Test Only, Station License No. TC 289814
27 will expire on March 31, 2021 unless renewed. The Station License has been issued a STAR
28 certification.

1 JURISDICTION

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

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

9 8. On or about July 27, 2020, Respondent applied for an additional Automobile Repair
10 Dealer Registration and Smog Check Station License at 2686 Pleasant Hill Rd., Pleasant Hill CA
11 94523. Respondent would be doing business as Pleasant Hill Star Smog.

12 9. On or about October 21, 2020, The Bureau denied Respondent's applications. The
13 denial was based on the same facts and allegations contained Accusation No. 79/17-1198. A
14 copy of the denial is attached as Exhibit B. Respondent has appealed the denials of his
15 applications for registration and licensure.

16 ADVISEMENT AND WAIVERS

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

20 11. 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; the right to be represented by counsel at
22 his own expense; the right to confront and cross-examine the witnesses against them; the right to
23 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
24 the attendance of witnesses and the production of documents; the right to reconsideration and
25 court review of an adverse decision; and all other rights accorded by the California
26 Administrative Procedure Act and other applicable laws.

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

1 CULPABILITY

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

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

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

12 CONTINGENCY

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

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

26 18. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
27 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
28 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,

1 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
2 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
3 writing executed by an authorized representative of each of the parties.

4 19. In consideration of the foregoing admissions and stipulations, the parties agree that
5 the Director may, without further notice or formal proceeding, issue and enter the following
6 Disciplinary Order:

7 **DISCIPLINARY ORDER**

8 IT IS HEREBY ORDERED that Smog Check Inspector License Number EO 635356 issued
9 to Respondent Ersin Iric is revoked. However, the revocation is stayed and Respondent is placed
10 on probation for two (2) years on the following terms and conditions:

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

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

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

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

27 4. **Tolling of Probation.** If, during probation, Respondent leaves the jurisdiction of
28 California to reside or do business elsewhere or otherwise ceases to do business in the jurisdiction

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

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

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

26 **7. Completion of Probation.** Upon successful completion of probation, Respondent's
27 affected registration and/or license will be fully restored or issued without restriction, if
28 Respondent meets all current requirements for registration or licensure and has paid all

1 outstanding fees, monetary penalties, or cost recovery owed to BAR.

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

15 **9. Training Course**

16 During the period of probation, Respondent shall attend and successfully complete a 28
17 hour BAR-specified and -approved training course in inspection, diagnosis and/or repair of
18 emission systems failures and engine performance, applicable to the class of license held by the
19 Respondent. Respondent shall provide to the Bureau proof of enrollment in the course within 180
20 days of the effective date of the decision, and proof of successful course completion within 365
21 days of the effective date of the decision. Failure to provide proof of enrollment and/or successful
22 course completion to the Bureau within the timeframes specified shall constitute a violation of
23 probation, and Respondent shall be prohibited from issuing any certificate of compliance or
24 noncompliance until such proof is received.

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1 FURTHER ORDERS

2 IT IS HEREBY ORDERED that this order of probation contained in this Decision and
3 Order, shall not be cause for the invalidation of STAR Certification of Smog Check, Test Only,
4 Station License No. TC 289814.

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

8 IT IS HEREBY ORDERED that the Bureau will withdraw its denial of Respondent's
9 applications for an Automotive Repair Dealer Registration and Smog Check Station license at
10 2686 Pleasant Hill Rd., Pleasant Hill CA 94523 doing business as Pleasant Hill Star Smog.
11 Respondent's applications shall be granted.

12 ACCEPTANCE

13 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
14 discussed it with my attorney, William Ferreira. I understand the stipulation and the effect it will
15 have on my Smog Check Inspector License and other licenses and applications. I enter into this
16 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree
17 to be bound by the Decision and Order of the Director of the Department of Consumer Affairs.

18
19 DATED: 12/15/2020



ERSIN IRIC
Respondent

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21
22 I have read and fully discussed with Ersin Iric, the terms and conditions and other matters
23 contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and
24 content.

25 DATED: 12-16-20



WILLIAM FERREIRA
Attorney for Respondent

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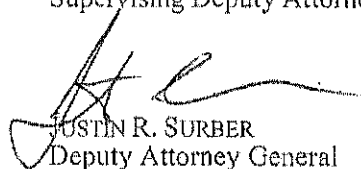
ENDORSEMENT

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

DATED: 12/17/20

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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