

**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:

ERSIN IRIC dba MARIN STAR SMOG

77 San Pablo Smog

San Rafael, CA 94903

Automotive Repair Dealer Registration No. ARD 289814

Smog Check Test Only Station License No. TC 289814

ERSIN IRIC

3550 Pacific Ave. #602

Livermore, CA 94550

Smog Check Inspector License No. EO 635356

Case No. 79/21-16013

OAH No. 2023050470

In the Matter of the Citation Against:

ERSIN IRIC dba PLEASANT HILL STAR SMOG

2686 Pleasant Hill Rd.

Pleasant Hill, CA 94523

Automotive Repair Dealer Registration No. ARD 299347

Smog Check Test Only Station License No. TC 299347

Respondents.

Citation No. C2021-968


OAH No. 2023050495

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 December 12, 2023.

DATED: Nov. 6, 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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7

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

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

Case No. 79/21-16013

OAH No. 2023050470

13 **ERSIN IRIC**
14 **DBA MARIN STAR SMOG**
15 **77 San Pablo Smog**
16 **San Rafael Ca 94903**

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER
[Gov. Code, § 11509]

17 **Automotive Repair Dealer No. ARD 289814**
18 **Smog Check Station License no. TC 289814**

19 **ERSIN IRIC**
20 **3550 Pacific Ave. #602**
21 **Livermore, CA 94550**

22 **Smog Check Inspector License No. EO**
23 **635356**

Respondent

24 In the Matter of the Citation Against:

Citation No. C2021-968

OAH No. 2023050495

25 **ERSIN IRIC**
26 **DBA Pleasant Hill Star Smog**
27 **2686 Pleasant Hill Rd.**
28 **Pleasant Hill, CA 94523**

Automotive Repair Dealer No. ARD 299347
Smog Check Station License no. TC 299347

Respondent.

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

3 PARTIES

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

8 2. On or about March 7, 2018, the Bureau issued Automotive Repair Dealer Registration
9 (ARD) Number ARD289814 to Ersin Iric (Respondent); dba Marin Star Smog. The Automotive
10 Repair Dealer Registration was in full force and effect at all times relevant to the charges brought
11 herein and will expire on March 31, 2024, unless renewed.

12 3. On or about March 21, 2018, the Bureau issued Smog Check Station License Number
13 TC289814 to Respondent dba Marin Star Smog. The Smog Check Station License was in full
14 force and effect at all times relevant to the charges brought herein and will expire on March 31,
15 2024, unless renewed. The Station License has been issued a STAR certification.

16 4. On or about March 30, 2021, the Bureau issued Automotive Repair Dealer
17 Registration Number ARD299347 to Respondent dba Pleasant Hill Star Smog. The Automotive
18 Repair Dealer Registration was in full force and effect at all times relevant to the charges brought
19 herein and will expire on March 31, 2024, unless renewed.

20 5. On or about April 29, 2021, the Bureau issued Smog Check Station License Number
21 TC299347 to Respondent dba Pleasant Hill Star Smog. The Smog Check Station License was in
22 full force and effect at all times relevant to the charges brought herein and will expire on March
23 31, 2024, unless renewed. The Station License has been issued a STAR certification.

24 6. On or about March 29, 2013, the Bureau issued Advanced Emission Specialist
25 Technician License Number EA 635356 to Respondent. The Advanced Emission Specialist
26 Technician License was cancelled on November 10, 2014. Pursuant to California Code of
27 Regulations, title 16, section 3340.28, subdivision (e), the license was renewed, pursuant to
28 Respondent's election, as Smog Check Inspector License Number EO 635356, effective

1 November 10, 2014. The Smog Check Inspector License was in full force and effect at all times
2 relevant to the charges brought herein and will expire on October 31, 2024, unless renewed.

3 **JURISDICTION**

4 7. Accusation and Petition to Revoke Probation No. 79/21-16013 was filed before the
5 Director of the Department of Consumer Affairs (Director), and is currently pending against
6 Respondent. The Accusation and Petition to Revoke Probation and all other statutorily required
7 documents were properly served on Respondent on October 18, 2022. Respondent timely filed
8 his Notice of Defense contesting the Accusation Petition to Revoke Probation.

9 8. A copy of Accusation and Petition to Revoke Probation No. 79/21-16013 is attached
10 as Exhibit A and incorporated herein by reference.

11 9. On or about March 22, 2022, the Bureau Reissued Citation No. C2021-968 to
12 Respondent dba Pleasant Hill Star Smog pursuant to its authority under California Health and
13 Safety Code section 44050 and California Code of Regulations, Title 16, sections 3394.25 and
14 3394.26. Respondent appealed the citation.

15 10. A copy of Reissued Citation No. C2021-968 is attached as Exhibit B and incorporated
16 herein by reference.

17 **PRIOR DISCIPLINARY ACTION**

18 11. In a disciplinary action titled "In the Matter of the Accusation against Chevrem
19 Corporation, et al," Case No. 79/17-1198, the Bureau issued a Decision and Order effective April
20 28, 2021, in which Respondent's Smog Check Inspector License was revoked. However, the
21 revocation was stayed and Respondent's Smog Check Inspector License was placed on probation
22 for two (2) years with certain terms and conditions. A copy of that Decision and Order is
23 attached as an exhibit to Accusation and Petition to Revoke Probation No. 79/21-16013 which is
24 attached as Exhibit A and is incorporated herein by reference.

25 **ADVISEMENT AND WAIVERS**

26 12. Respondent has carefully read, fully discussed with counsel, and understands the
27 charges and allegations in Accusation Petition to Revoke Probation No. 79/21-16013 and Citation
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1 No. C2021-968. Respondent has also carefully read, fully discussed with counsel, and
2 understands the effects of this Stipulated Settlement and Disciplinary Order.

3 13. Respondent is fully aware of his legal rights in this matter, including the right to a
4 hearing on the charges and allegations in the Petition to Revoke Probation; the right to confront
5 and cross-examine the witnesses against him; the right to present evidence and to testify on his
6 own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the
7 production of documents; the right to reconsideration and court review of an adverse decision;
8 and all other rights accorded by the California Administrative Procedure Act and other applicable
9 laws.

10 14. Respondent is aware and agrees that once the decision in the Matter of the Accusation
11 and Petition to Revoke Probation No. 79/21-16013 becomes final and non-appealable pursuant to
12 the order below, cause will exist to suspend Respondent's STAR Certifications pursuant to
13 California Code of Regulations, Title 16, section 3392.3.

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

16 CULPABILITY

17 16. Respondent understands and agrees that the charges and allegations in Accusation
18 and Petition to Revoke Probation No. 79/21-16013 if proven at a hearing, constitute cause for
19 imposing discipline upon his ARD registration at Marin Star Smog, his Smog Check Station
20 License at Main Star Smog and his Smog Check Inspector license.

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

25 18. Respondent is aware and agrees that once the probation order imposing discipline on
26 his ARD Registration and Smog Check Station License becomes final and non-appealable
27 pursuant to the order below, cause will exist to invalidate Respondent's STAR Certification at
28 Marin Star Smog pursuant to California Code of Regulations, Title 16, section 3392.3.

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2 19. Respondent agrees that his ARD Registration at Marin Star Smog, his Smog Check
3 Station License at Marin Star Smog, and his Smog Check Inspector License are subject to
4 discipline. Respondent agrees to be bound by the Director's probationary terms as set forth in the
5 Disciplinary Order below.

6 20. Respondent is aware and agrees that this stipulation allows the Department of
7 Consumer Affairs to issue the order below, suspending his STAR Certification.

8 21. Respondent agrees that his STAR Certification is subject to suspension and agrees to
9 be bound by the Director's terms as set forth in the Order below.

10 22. Respondent understands and agrees that the charges and allegations in Citation No.
11 C2021-968 if proven at a hearing, constitute cause for issuing a citation. Respondent agrees to
12 withdraw his appeal of Citation C2021-968. Respondent is aware and agrees that, on the
13 effective date of the Bureau's decision and order, Citation No. C2021-968 will become final and
14 non-appealable.

15 CONTINGENCY

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

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

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

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

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Automotive Repair Dealer Registration (ARD) Number ARD289814, Smog Check Station License No TC289814 and Smog Check Inspector License No. EO635356 are revoked. However, the revocations are stayed and Respondent is placed on probation for one (1) year on the following terms and conditions:

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

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

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

4. **Access to Examine Vehicles and Records.** Respondent shall provide BAR representatives unrestricted access to examine all vehicles (including parts) undergoing service,

1 inspection, or repairs, up to and including the point of completion. Respondent shall also provide
2 BAR representatives unrestricted access to all records pursuant to BAR laws and regulations.

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

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

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

1 constitute a violation of probation.

2 **8. Cost Recovery.** Respondent shall pay the Bureau of Automotive Repair \$4,000.00
3 for the reasonable costs of the investigation and enforcement of case No. 79/21-16013.
4 Respondent shall make such a payment as follows: Respondent shall make 5 monthly payments
5 in the amount of \$666.66 and a sixth monthly payment of \$666.70. Respondent shall make
6 payment by check or money order payable to the Bureau of Automotive Repair and shall indicate
7 on the check or money order that it is for cost recovery payment for case No. 79/21-16013. Any
8 order for payment of cost recovery shall remain in effect whether or not probation is tolled.
9 Probation shall not terminate until full cost recovery payment has been made. BAR reserves the
10 right to pursue any other lawful measures in collecting on the costs ordered and past due, in
11 addition to taking action based upon the violation of probation.

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

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

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1 **IT IS HEREBY ORDERED:** that this order of probation contained in this Decision and Order,
2 shall not be cause for the suspension of any STAR Certification (other than the suspension above)
3 of any smog check station at which Respondent is now employed or may be employed in the
4 future.

5 **IT IS HEREBY ORDERED:** that the discipline imposed in this decision and order shall not, by
6 itself, constitute cause to deny an application from Respondent for an additional Automotive Repair Dealer
7 registration or Smog Station license. However, any new registration(s) or license(s) issued to Respondent
8 shall be placed on probation on the same terms and conditions as those imposed on Respondent in this
9 decision and order. If there are separate causes to deny any such application, the BAR shall not be
10 prohibited from using this discipline in conjunction with those additional causes to deny an application.

11 **ACCEPTANCE**

12 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
13 discussed it with my attorney, Nicole Weil. I understand the stipulation and the effect it will have
14 on my Automotive Repair Dealer Registrations, Smog Check Station Licenses and Smog Check
15 Inspector License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily,
16 knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of
17 the Department of Consumer Affairs.

18
19 DATED: 07/17/2023

Ersin Iric
ersin iric (Jul 17, 2023 12:30 PDT)
ERSIN IRIC
Respondent

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

24 DATED: 07/17/2023

Nicole Weil
NICOLE WEIL
Attorney for Respondent

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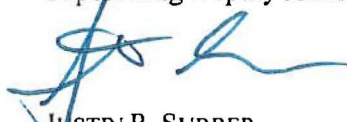
ENDORSEMENT

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

DATED: 8/4/23

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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