

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

In the Matter of the Accusation Against:

**AHMAD JAWED SULTANI dba A SMOG CENTER**

2241 Monument Blvd. Unit U

Concord, CA 94520

Automotive Repair Dealer Registration No. ARD 286138

Smog Check Test Only Station License No. TC 286138

**WILLIAM JONATHAN BERCK**

2015 Danville Blvd.

Alamo, CA 94507

Smog Check Inspector No. EO 40745

Smog Check Repair Technician License No. EI 40745

**DAVID FARDI**

480 N. Civic Dr. Apt 106

Walnut Creek, CA 94596

Smog Check Inspector No. EO 640601

**DIEGO ALBOR BUSTMANTE**

2901 Mary Ann Lane #107

Bay Point, CA 94565

Smog Check Inspector No. EO 640681

Respondents.

Case No. 79/18-4819

OAH No. 2019100481

In the Matter of the Accusation Against:

**DAVID FARDI**

480 N. Civic Dr. Apt 106

Walnut Creek, CA 94596

Smog Check Inspector No. EO 640601

Respondent.

Case No. 79/18-17516

///

///

///

///


///

**DECISION**

The attached Stipulated Settlement and Disciplinary Order as to David Fadri 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 June 2, 2021.

DATED: April 6, 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 GREGORY TUSS  
Deputy Attorney General  
4 State Bar No. 200659  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 510-3435  
6 Facsimile: (415) 703-5480  
*Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 79/18-4819  
OAH No. 2019100481

12 AHMAD JAWED SULTANI  
dba A SMOG CENTER  
13 2241 Monument Blvd. Unit U  
Concord, CA 94520

14 Automotive Repair Dealer Registration No.  
15 ARD 286138  
Smog Check Test Only Station License No.  
16 TC 286138,

17 WILLIAM JONATHAN BERCK  
2015 Danville Blvd.  
18 Alamo, CA 94507

19 Smog Check Inspector License No. EO 40745,  
Smog Check Repair Technician License No.  
20 EI 40745,

21 DAVID FARDI  
480 N. Civic Dr, Apt. 106  
22 Walnut Creek, CA 94596

23 Smog Check Inspector License No. EO 640601,

24 DIEGO ALBOR BUSTAMANTE  
2901 Mary Ann Lane, # 107  
25 Bay Point, CA 94565

26 Smog Check Inspector License No. EO 640681,

27 Respondents.  
28

1 In the Matter of the Accusation Against:

Case No. 79/18-17516  
OAH No. 2020030627

2 **DAVID FARDI**  
3 480 N. Civic Dr. Apt. 106  
4 Walnut Creek, CA 94596

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER AS TO  
RESPONDENT DAVID FARDI ONLY**

5 Smog Check Inspector License No. EO 640601,

6 Respondent.

7 IT IS STIPULATED AND AGREED by and between the parties to these proceedings that  
8 the following matters are true:

9 **PARTIES**

10 1. Patrick Dorais (Complainant) is the Chief of the Bureau of Automotive Repair  
11 (Bureau), Department of Consumer Affairs. He brought this action solely in his official capacity  
12 and is represented in this matter by Xavier Becerra, Attorney General of the State of California,  
13 by Gregory Tuss, deputy attorney general.

14 2. Respondent David Fardi (Respondent Fardi) is represented in this proceeding by  
15 attorney Roni Rotholz, whose address is 1870 Olympic Blvd., Suite 120, Walnut Creek,  
16 California 94596.

17 3. On September 21, 2017, the Bureau issued Smog Check Inspector License No.  
18 EO 640601 to Respondent Fardi. This smog check inspector license was in full force and effect  
19 at all times relevant to the charges brought in Accusation Nos. 79/18-4819 and  
20 79/18-17516, and will expire on March 31, 2021, unless renewed.

21 **JURISDICTION**

22 4. Accusation No. 79/18-4819 was filed before the Director of the Department of  
23 Consumer Affairs (Director) and is currently pending against Respondent Fardi. Accusation No.  
24 79/18-4819 and all other statutorily required documents were properly served on Respondent  
25 Fardi on June 24, 2019. Respondent Fardi timely filed his notice of defense contesting  
26 Accusation No. 79/18-4819.

27 5. Accusation No. 79/18-17516 also was filed before the Director and is currently  
28 pending against Respondent Fardi. Accusation No. 79/18-17516 and all other statutorily required

1 documents were properly served on Respondent Fardi on February 14, 2020. Respondent Fardi  
2 timely filed his notice of defense contesting Accusation No. 79/18-17516.

3 6. Copies of Accusation Nos. 79/18-4819 and 79/18-17516 are attached as exhibit 1  
4 and incorporated by reference.

5 **ADVISEMENT AND WAIVERS**

6 7. Respondent Fardi has carefully read, fully discussed with counsel, and understands  
7 the charges and allegations in Accusation Nos. 79/18-4819 and 79/18-17516. Respondent Fardi  
8 has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated  
9 Settlement and Disciplinary Order as to Respondent David Fardi Only.

10 8. Respondent Fardi is fully aware of his legal rights in this matter, including the  
11 right to a hearing on the charges and allegations in the accusations; the right to confront and  
12 cross-examine the witnesses against him; the right to present evidence and to testify on his own  
13 behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the  
14 production of documents; the right to reconsideration and court review of an adverse decision;  
15 and all other rights accorded by the Administrative Procedure Act and other applicable laws.

16 9. Respondent Fardi voluntarily, knowingly, and intelligently waives and gives up  
17 each and every right set forth above.

18 **CULPABILITY**

19 10. Respondent Fardi admits the truth of each and every charge and allegation in  
20 Accusation Nos. 79/18-4819 and 79/18-17516.

21 11. Respondent Fardi agrees that his smog check inspector license is subject to  
22 discipline and he agrees to be bound by the Director's probationary terms as set forth in the  
23 Disciplinary Order below.

24 **CONTINGENCY**

25 12. This stipulation shall be subject to approval by the Director or the Director's  
26 designee. Respondent Fardi understands and agrees that counsel for Complainant and the staff of  
27 the Bureau may communicate directly with the Director and staff of the Department of Consumer  
28 Affairs regarding this stipulation and settlement, without notice to or participation by Respondent

1 Fardi or his counsel. By signing the stipulation, Respondent Fardi understands and agrees that he  
2 may not withdraw his agreement or seek to rescind the stipulation prior to the time the Director  
3 considers and acts upon it. If the Director fails to adopt this stipulation as the Decision and  
4 Order, this Stipulated Settlement and Disciplinary Order as to Respondent David Fardi Only shall  
5 be of no force or effect except for this paragraph, it shall be inadmissible in any legal action  
6 between the parties, and the Director shall not be disqualified from further action by having  
7 considered this matter.

8 13. The parties understand and agree that portable document format (PDF) and  
9 facsimile copies of this Stipulated Settlement and Disciplinary Order as to David Fardi Only,  
10 including PDF and facsimile signatures, shall have the same force and effect as the originals.

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

18 15. In consideration of the above admissions and stipulations, the parties agree that the  
19 Director may, without further notice or formal proceeding, issue and enter the following  
20 Disciplinary Order:

21 **DISCIPLINARY ORDER**

22 IT IS ORDERED that Smog Check Inspector License No. EO 640601 issued to  
23 Respondent David Fardi is revoked. However, the revocation is stayed and Respondent Fardi is  
24 placed on probation for four years on the following terms and conditions:

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

28 2. **Quarterly Reporting.** During the period of probation, Respondent Fardi shall

1 report either by personal appearance or in writing as determined by the Bureau on a schedule set  
2 by the Bureau, but no more frequently than once each calendar quarter, on the methods used and  
3 success achieved in maintaining compliance with the terms and conditions of probation.

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

9       **4. Access to Examine Vehicles and Records.** Respondent Fardi shall provide  
10 Bureau representatives unrestricted access to examine all vehicles (including parts) undergoing  
11 service, inspection, or repairs, up to and including the point of completion. Respondent Fardi  
12 shall also provide Bureau representatives unrestricted access to all records pursuant to Bureau  
13 laws and regulations.

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

28       **6. Violation of Probation.** If Respondent Fardi violates or fails to comply with the

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

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

15       **8. Cost Recovery.** Respondent Fardi shall pay the Bureau \$4,189.00 for the  
16 reasonable costs of the investigation and enforcement of Case Nos. 79/18-4819 and 79/18-17516.  
17 Respondent Fardi shall make such payment as directed the by Bureau. Any agreement for a  
18 scheduled payment plan shall require full payment to be completed no later than six months  
19 before probation terminates. Respondent Fardi shall make payment by check or money order  
20 payable to the Bureau of Automotive Repair and shall indicate on the check or money order that it  
21 is for cost recovery payment for Case Nos. 79/18-4819 and 79/18-17516. Any order for payment  
22 of cost recovery shall remain in effect whether or not probation is tolled. Probation shall not  
23 terminate until full cost recovery payment has been made. The Bureau reserves the right to  
24 pursue any other lawful measures in collecting on the costs ordered and past due, in addition to  
25 taking action based upon the violation of probation.

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

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

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

16       **11. Actual Suspension.** Smog Check Inspector License No. EO 640601 issued to  
17 Respondent David Fardi is suspended for 15 consecutive days beginning on the effective date of  
18 the Decision and Order.

19       **12. Training Course.** During the period of probation, Respondent Fardi shall attend  
20 and successfully complete a Bureau-specified and -approved training course in inspection,  
21 diagnosis and/or repair of emission systems failures and engine performance, applicable to the  
22 class of license held by the Respondent Fardi. Respondent Fardi shall provide to the Bureau  
23 proof of enrollment in the course within 30 days of the effective date of the decision, and proof of  
24 successful course completion within 180 days of the effective date of the decision. Failure to  
25 provide proof of enrollment and/or successful course completion to the Bureau within the  
26 timeframes specified shall constitute a violation of probation, and Respondent Fardi shall be  
27 prohibited from issuing any certificate of compliance or noncompliance until such proof is  
28 received.

1 ACCEPTANCE

2 I have carefully read this Stipulated Settlement and Disciplinary Order as to Respondent  
3 David Fardi Only and have fully discussed it with my attorney, Roni Rotholz. I understand the  
4 stipulation and the effect it will have on my smog check inspector license. I enter into this  
5 Stipulated Settlement and Disciplinary Order as to Respondent David Fardi Only voluntarily,  
6 knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of  
7 the Department of Consumer Affairs.

8  
9 DATED: 8-23-20

  
10 DAVID FARDI  
11 Respondent

12 I have read and fully discussed with Respondent David Fardi the terms and conditions and  
13 other matters contained in this Stipulated Settlement and Disciplinary Order as to Respondent  
14 David Fardi Only. I approve its form and content.

15 DATED: 8/23/2020

  
16 RONI ROTHOLZ  
17 Attorney for Respondent Fardi

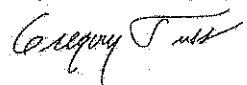
18 ENDORSEMENT

19 This Stipulated Settlement and Disciplinary Order as to Respondent David Fardi Only is  
20 submitted for consideration by the Director of the Department of Consumer Affairs.

21 DATED: 8-24-2020

Respectfully submitted,

22 XAVIER BECERRA  
23 Attorney General of California.  
24 CHAR SACHSON  
25 Supervising Deputy Attorney General

  
26 GREGORY TUSS  
27 Deputy Attorney General  
28 Attorneys for Complainant

OK2018900698  
42275865.docx