



MEMORANDUM

DATE	November 3, 2017
TO	BILL THOMAS Program Manager II Bureau of Automotive Repair
FROM	Grace Arupo Rodriguez Assistant Deputy Director Legal Affairs Division Department of Consumer Affairs 
SUBJECT	Sisak Keshishyan: Approval of Initial License on Probation; File No. AI201711536

The Offer of Probationary License, pursuant to section 3395.5 of title 16 of the California Code of Regulations, made to Sisak Keshishyan, File No. AI201711536, for Smog Check Inspector License on the terms and conditions set forth in the Acceptance of Probationary Registration and/or License executed on October 12, 2017 is GRANTED on behalf of the Director of the Department of Consumer Affairs.



ENFORCEMENT OPERATIONS BRANCH

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Acceptance of Probationary Registration and/or License

File No: AI201711536

I, Sisak Keshishyan, (Applicant), hereby notify the Bureau of Automotive Repair (Bureau) that:

1. I accept the offer (Offer) of a probationary License as a Smog Check Inspector for a term of three (3) years subject to the terms and conditions set forth below. I understand and agree that the Offer is contingent upon approval by the Director of the Department of Consumer Affairs (Director) or the Director's designee.
2. I understand and agree that by accepting the Offer I may not withdraw my acceptance or seek to rescind my acceptance prior to the time the Director considers and acts upon it. If the Director fails to approve the Offer, the Offer shall be of no force or effect, except this paragraph, it shall be inadmissible in any legal action between the parties, and the Director shall not be disqualified from further action by having considered this matter.
3. I also understand and agree that, upon the Director's approval of the Offer, I am required to comply with the following terms and conditions of probation:
 - a. **Obey All Laws:** During the period of probation, Applicant shall comply with all federal and state statutes, regulations and rules governing all Bureau of Automotive Repair (BAR) registrations and/or licenses held by Applicant.
 - b. **Compliance and quarterly reporting requirements:** During the period of probation, Applicant 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.
 - c. **Report Financial Interests:** Applicant shall, within thirty (30) days of the issue date of the registration and/or license and within thirty (30) days from the date of any request by BAR during the period of probation, report any financial interest which Applicant or any partners, Officers, or owners of any Applicant facility may have in any other business required to be registered pursuant to Section 9884.6 of the Business and Professions Code.

- d. **Access to Examine Vehicles and Records:** Applicant shall provide BAR representatives unrestricted access to examine all vehicles (including parts) undergoing service, inspection, or repairs, up to and including the point of completion. Applicant shall also provide BAR representatives unrestricted access to all records pursuant to BAR laws and regulations.
- e. **Tolling of Probation:** If during probation Applicant leaves the jurisdiction of California to reside or do business elsewhere or otherwise ceases to do business in the jurisdiction of California, Applicant shall notify BAR in writing within ten (10) days of the dates of departure and return, and of the dates of cessation and resumption of business in California.

All provisions of probation other than cost reimbursement requirements, restitution requirements, training requirements, and that Applicant obey all laws, shall be held in abeyance during any period of time of thirty (30) days or more in which Applicant is not residing or engaging in business within the jurisdiction of California. All provisions of probation shall recommence on the effective date of resumption of business in California. Any period of time of thirty (30) days or more in which Applicant is not residing or engaging in business within the jurisdiction of California shall not apply to the reduction of this probationary period or to any period of actual suspension not previously completed. Tolling is not available if business or work relevant to the probationary license or registration is conducted or performed during the tolling period.


- f. **Violation of Probation:** If Applicant violates or fails to comply with the terms and conditions of probation in any respect, the Director, after giving notice and opportunity to be heard, may revoke the probationary registration and/or license. Once Applicant is served notice of BAR's intent to revoke the probationary registration and license, the Director shall maintain jurisdiction, and the period of probation shall be extended until final resolution of the matter.
- g. **Maintain Valid License:** Applicant shall, at all times while on probation, maintain a current and active registration and/or license with BAR, including any period during which suspension or probation is tolled. If Applicant's registration or license expires during a term of probation, by operation of law or otherwise, then upon renewal Applicant's registration or license shall be subject to any and all terms and conditions of probation not previously satisfied. Failure to maintain a current and active registration and/or license during the period of probation shall also constitute a violation of probation.
- h. **Upon successful completion of the probationary period,** and if the registrant or licensee meets all current requirements for registration or licensure as applicable, BAR shall issue the registration or license without restrictions.

- i. **Supervision Requirements:** Applicant shall not delegate his or her supervisory duties, as they relate to the business activities relevant to the probationary registration and/or license, to another person during the period of probation. Any persons employed by Applicant to carry out such business activities shall be directly supervised by Applicant. In the event that a bona fide medical condition arises during the period of probation, which temporarily prevents Applicant from exercising direct supervision over employees, notice and medical substantiation of the condition shall be submitted to BAR within ten (10) days of the medical affirmation of the condition.

 - j. **During the probationary period**, the probationary registration or license shall be renewed in accordance with the applicable requirements specified in the Automotive Repair Act, commencing with Section 9880 of the Business and Professions Code, and the Motor Vehicle Inspection Program, commencing with Section 44000 of the Health and Safety Code, for the applicable standard registration and/or license.

 - k. **The expiration of a probationary registration or license** shall not deprive the Director of authority to proceed with any investigation or administrative disciplinary proceeding against the probationary registrant or licensee or to render a decision invalidating or revoking the probationary registration or license.
4. I understand and agree that if I violate or fail to comply, in any respect, with any of the terms and conditions of probation set forth above, administrative disciplinary action may be taken against my registration and/or license.

Executed on the 12th day of October, 2017.

Signed:  SISAK KESHISHYAN
Sisak Keshishyan