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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:

Case No. 79/24-6364

13 **TEMURI JAPARIDZE DBA TOMMY**
SMOG ONLY
14 **203 N. 27th Street**
San Jose, CA 95116

ACCUSATION

15 **Automotive Repair Dealer Registration No.**
16 **ARD 306982**
17 **Smog Check, Test-Only, Station License No.**
TC 306982

18 **and**

19 **TEMURI JAPARIDZE**
535 Marge Way
20 **San Jose, CA 95117**

21 **Smog Check Inspector License No. EO**
643068

22 Respondents.
23

24
25 **PARTIES**

26 1. Patrick Dorais (Complainant) brings this Accusation solely in his official capacity as
27 the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs.
28

1 (b) Except as provided for in subdivision (c), if an automotive repair dealer
2 operates more than one place of business in this state, the director pursuant to
3 subdivision (a) shall only suspend, revoke, or place on probation the registration of
4 the specific place of business which has violated any of the provisions of this chapter.
5 This violation, or action by the director, shall not affect in any manner the right of the
6 automotive repair dealer to operate the automotive repair dealer's other places of
7 business.

8 (c) Notwithstanding subdivision (b), the director may suspend, revoke, or place
9 on probation the registration for all places of business operated in this state by an
10 automotive repair dealer upon a finding that the automotive repair dealer has, or is,
11 engaged in a course of repeated and willful violations of this chapter, or regulations
12 adopted pursuant to it.

13 (d) (1) The director shall establish through regulation a program to certify
14 providers of remedial training for automotive repair dealers who have violated this
15 chapter, employees of automotive repair dealers who have violated this chapter, and
16 persons identified pursuant to Section 9884 as directly or indirectly controlling or
17 conducting an automotive repair dealer business that has violated this chapter.

18 (2) Remedial training shall be available only for violations involving
19 documentation or recordkeeping, or that the bureau determines to be minor in nature.
20 Remedial training shall not be available if the violation constitutes fraud.

21 (e) For purposes of this section, "fraud" includes, but is not limited to,
22 violations of this chapter involving misrepresentations and all of the following:

23 (1) Any act or omission that is included within the definition of either "actual
24 fraud" or "constructive fraud," as those terms are defined in Sections 1572 and 1573
25 of the Civil Code.

26 (2) A misrepresentation in any manner, whether intentionally false or due to
27 gross negligence, of a material fact.

28 (3) A promise or representation not made honestly and in good faith.

(4) An intentional failure to disclose a material fact.

(5) Any act in violation of Section 484 of the Penal Code.

12. Section 9889.22 of the Code states:

The willful making of any false statement or entry with regard to a material
matter in any oath, affidavit, certificate of compliance or noncompliance, or
application form which is required by this chapter or Chapter 5 (commencing with
section 44000) of Part of Division 26 of the Health and Safety Code constitutes
perjury and is punishable as provided in the Penal Code.

13. Section 17200 of the Code states:

As used in this chapter, unfair competition shall mean and include any unlawful,
unfair or fraudulent business act or practice and unfair, deceptive, untrue or misleading
advertising and any act prohibited by Chapter 1 (commencing with Section 17500) of Part 3
of Division 7 of the Business and Professions Code.

1
2 14. Section 17500 of the Code states:

3 It is unlawful for any person, firm, corporation or association, or any employee
4 thereof with intent directly or indirectly to dispose of real or personal property or to
5 perform services, professional or otherwise, or anything of any nature whatsoever or
6 to induce the public to enter into any obligation relating thereto, to make or
7 disseminate or cause to be made or disseminated before the public in this state, or to
8 make or disseminate or cause to be made or disseminated from this state before the
9 public in any state, in any newspaper or other publication, or any advertising device,
10 or by public outcry or proclamation, or in any other manner or means whatever,
11 including over the Internet, any statement, concerning that real or personal property
12 or those services, professional or otherwise, or concerning any circumstance or matter
13 of fact connected with the proposed performance or disposition thereof, which is
14 untrue or misleading, and which is known, or which by the exercise of reasonable
15 care should be known, to be untrue or misleading, or for any person, firm, or
16 corporation to so make or disseminate or cause to be so made or disseminated any
17 such statement as part of a plan or scheme with the intent not to sell that personal
18 property or those services, professional or otherwise, so advertised at the price stated
19 therein, or as so advertised. Any violation of the provisions of this section is a
20 misdemeanor punishable by imprisonment in the county jail not exceeding six
21 months, or by a fine not exceeding two thousand five hundred dollars (\$2,500), or by
22 both that imprisonment and fine.

23
24 15. Section 44012 of the Health and Safety Code states:

25 The test at the smog check stations shall be performed in accordance with
26 procedures prescribed by the department, pursuant to Section 44013, shall require, at
27 a minimum, loaded mode dynamometer testing in enhanced areas, and two-speed
28 testing in all other program areas, and shall ensure all of the following:

(a) Emission control systems required by state and federal law are reducing
excess emissions in accordance with the standards adopted pursuant to subdivisions
(a) and (c) of Section 44013.

(b) Motor vehicles are preconditioned to ensure representative and stabilized
operation of the vehicle's emission control system.

(c) For other than diesel-powered vehicles, the vehicle's exhaust emissions of
hydrocarbons, carbon monoxide, carbon dioxide, and oxides of nitrogen in an idle
mode or loaded mode are tested in accordance with procedures prescribed by the
department. In determining how loaded mode and evaporative emissions testing
shall be conducted, the department shall ensure that the emission reduction targets for
the enhanced program are met.

(d) For other than diesel-powered vehicles, the vehicle's fuel evaporative
system and crankcase ventilation system are tested to reduce any nonexhaust sources
of volatile organic compound emissions, in accordance with procedures prescribed by
the department.

(e) For diesel-powered vehicles, if the department determines that the inclusion
of those vehicles is technologically and economically feasible, a visual inspection is
made of emission control devices and the vehicle's exhaust emissions in an idle mode
or loaded mode are tested in accordance with procedures prescribed by the

1 department. The test may include testing of emissions of any or all of the pollutants
2 specified in subdivision (c) and, upon the adoption of applicable standards,
3 measurement of emissions of smoke or particulates, or both.

4 (f) A visual or functional check is made of emission control devices specified
5 by the department, including the catalytic converter in those instances in which the
6 department determines it to be necessary to meet the findings of Section 44001. The
7 visual or functional check shall be performed in accordance with procedures
8 prescribed by the department.

9 (g) A determination as to whether the motor vehicle complies with the
10 emission standards for that vehicle's class and model-year as prescribed by the
11 department.

12 (h) The test procedures may authorize smog check stations to refuse the testing
13 of a vehicle that would be unsafe to test, or that cannot physically be inspected, as
14 specified by the department by regulation. The refusal to test a vehicle for those
15 reasons shall not excuse or exempt the vehicle from compliance with all applicable
16 requirements of this chapter.

17 16. Section 44015 of the Health and Safety Code states:

18 (a) A licensed smog check station shall not issue a certificate of compliance,
19 except as authorized by this chapter, to any vehicle that meets the following criteria:

20 (1) A vehicle that has been tampered with.

21 (2) A vehicle identified pursuant to subparagraph (K) of paragraph (3) of
22 subdivision (b) of Section 44036. A vehicle identified pursuant to subparagraph (K)
23 of paragraph (3) of subdivision (b) of Section 44036 shall be directed to the
24 department to determine whether an inadvertent error can explain the irregularity, or
25 whether the vehicle otherwise meets smog check requirements, allowing the
26 certificate for compliance to be issued, or the vehicle shall be reinspected by a referee
27 or another smog check station.

28 (3) A vehicle that, prior to repairs, has been initially identified by the smog
check station as a gross polluter. Certification of a gross polluting vehicle shall be
conducted by a designated test-only facility, or a test-and-repair station that is both
licensed and certified pursuant to Sections 44014 and 44014.2.

(4) A vehicle described in subdivision (c).

(b) If a vehicle meets the requirements of Section 44012, a smog check station
licensed to issue certificates shall issue a certificate of compliance or a certificate of
noncompliance.

(c) (1) A repair cost waiver shall be issued, upon request of the vehicle owner,
by an entity authorized to perform referee functions for a vehicle that has been
properly tested but does not meet the applicable emission standards when it is
determined that no adjustment or repair can be made that will reduce emissions from
the inspected motor vehicle without exceeding the applicable repair cost limit
established under Section 44017 and that every defect specified by paragraph (2) of
subdivision (a) of Section 43204, and by paragraphs (2) and (3) of subdivision (a) of
Section 43205, has been corrected. A repair cost waiver issued pursuant to this
paragraph shall be accepted in lieu of a certificate of compliance for the purposes of
compliance with Section 4000.3 of the Vehicle Code. No repair cost waiver shall

1 exceed two years' duration. No repair cost waiver shall be issued until the vehicle
2 owner has expended an amount equal to the applicable repair cost limit specified in
3 Section 44017.

4 (2) An economic hardship extension shall be issued, upon request of a qualified
5 low-income motor vehicle owner, by an entity authorized to perform referee
6 functions, for a motor vehicle that has been properly tested but does not meet the
7 applicable emission standards when it is determined that no adjustment or repair can
8 be made that will reduce emissions from the inspected motor vehicle without
9 exceeding the applicable repair cost limit, as established pursuant to Section 44017.1,
10 that every defect specified in paragraph (2) of subdivision (a) of Section 43204, and
11 in paragraphs (2) and (3) of subdivision (a) of Section 43205, has been corrected, that
12 the low-income vehicle owner would suffer an economic hardship if the extension is
13 not issued, and that all appropriate emissions-related repairs up to the amount of the
14 applicable repair cost limit in Section 44017.1 have been performed.

15 (d) No repair cost waiver or economic hardship extension shall be issued under
16 any of the following circumstances:

17 (1) If a motor vehicle was issued a repair cost waiver or economic hardship
18 extension in the previous biennial inspection of that vehicle. A repair cost waiver or
19 economic hardship extension may be issued to a motor vehicle owner only once for a
20 particular motor vehicle belonging to that owner. However, a repair cost waiver or
21 economic hardship extension may be issued for a motor vehicle that participated in a
22 previous waiver or extension program prior to January 1, 1998, as determined by the
23 department. For waivers or extensions issued in the program operative on or after
24 January 1, 1998, a waiver or extension may be issued for a motor vehicle only once
25 per owner.

26 (2) Upon initial registration of all of the following:

27 (A) A direct import motor vehicle.

28 (B) A motor vehicle previously registered outside this state.

(C) A dismantled motor vehicle pursuant to Section 11519 of the Vehicle Code.

(D) A motor vehicle that has had an engine change.

(E) An alternate fuel vehicle.

(F) A specially constructed vehicle.

(e) Except as provided in subdivision (f), a certificate of compliance or
noncompliance shall be valid for 90 days.

(f) Excluding any vehicle whose transfer of ownership and registration is
described in subdivision (d) of Section 4000.1 of the Vehicle Code, and except as
otherwise provided in Sections 4000.1, 24007, 24007.5, and 24007.6 of the Vehicle
Code, a licensed motor vehicle dealer shall be responsible for having a smog check
inspection performed on, and a certificate of compliance or noncompliance issued for,
every motor vehicle offered for retail sale. A certificate issued to a licensed motor
vehicle dealer shall be valid for a two-year period, or until the vehicle is sold and
registered to a retail buyer, whichever occurs first.

(g) A test may be made at any time within 90 days prior to the date otherwise

required.

17. Section 44032 of the Health and Safety Code states:

No person shall perform, for compensation, tests or repairs of emission control devices or systems of motor vehicles required by this chapter unless the person performing the test or repair is a qualified smog check technician and the test or repair is performed at a licensed smog check station. Qualified technicians shall perform tests of emission control devices and systems in accordance with Section 44012.

18. Section 44059 of the Health and Safety Code states:

The willful making of any false statement or entry with regard to a material matter in any oath, affidavit, certificate of compliance or noncompliance, or application form which is required by this chapter or Chapter 20.3 (commencing with Section 9880) of Division 3 of the Business and Professions Code, constitutes perjury and is punishable as provided in the Penal Code.

REGULATORY PROVISIONS

19. California Code of Regulations, title 16, section 3373, states:

No automotive repair dealer or individual in charge shall, in filling out an estimate, invoice, or work order, or record required to be maintained by section 3340.15(f) of this chapter, withhold therefrom or insert therein any statement or information which will cause any such document to be false or misleading, or where the tendency or effect thereby would be to mislead or deceive customers, prospective customers, or the public.

20. California Code of Regulations, title 16, section 3340.35, states, in pertinent part:

...

(c) A licensed station shall issue a certificate of compliance or noncompliance to the owner or operator of any vehicle that has been inspected in accordance with the procedures specified in section 3340.42 of this article and has all the required emission control equipment and devices installed and functioning correctly. The following conditions shall apply:

(1) Customers shall be charged the same price for certificates as that paid by the licensed station; and

(2) Sales tax shall not be assessed on the price of certificates.

...

21. California Code of Regulations, title 16, section 3340.41, states, in pertinent part:

...

(c) No person shall enter any vehicle identification information or emission control system identification data for any vehicle other than the one being tested into the EIS or OIS. Nor shall any person enter into the EIS or OIS any false information about the vehicle being tested.

1 (d) The specifications and procedures required by section 44016 of the Health
2 and Safety Code shall be the vehicle manufacturer's recommended procedures for
3 emission problem diagnosis and repair or the emission diagnosis and repair
4 procedures found in industry-standard reference manuals and periodicals published
5 by nationally recognized repair information providers. Smog Check test-and-repair
6 and repair-only stations and repair technicians shall, at a minimum, follow the
7 applicable specifications and procedures when diagnosing defects or performing
8 repairs for vehicles that fail a Smog Check inspection.

9 (e) A Smog Check station shall not perform an initial inspection, except for a
10 pre-test, on any vehicle or issue a certificate of compliance to any vehicle that has
11 been directed to a STAR station for its biennial Smog Check pursuant to sections
12 44010.5 or 44014.7 of the Health and Safety Code, unless the station is certified as a
13 STAR station pursuant to sections 44014.2 or 44014.5 of the Health and Safety Code.
14 The reinspection and certification of a directed vehicle that has failed an initial test at
15 a STAR station and has undergone subsequent repairs to correct the cause of the
16 failure shall be performed by a STAR station.

17 22. California Code of Regulations, title 16, section 3340.42, states:

18 Smog check inspection methods are prescribed in the Smog Check Manual,
19 referenced by section 3340.45.

20 (a) All vehicles subject to a smog check inspection, shall receive one of the
21 following test methods:

22 (1) A loaded-mode test shall be the test method used to inspect 1976 - 1999
23 model-year vehicle, except diesel-powered, registered in the enhanced program areas
24 of the state. The loaded-mode test shall measure hydrocarbon, carbon monoxide,
25 carbon dioxide and oxides of nitrogen emissions, as contained in the bureau's
26 specifications referenced in subsection (a) of Section 3340.17 of this article. The
27 loaded-mode test shall use Acceleration Simulation Mode (ASM) test equipment,
28 including a chassis dynamometer, certified by the bureau.

On and after March 31, 2010, exhaust emissions from a vehicle subject to this
inspection shall be measured and compared to the emissions standards shown in the
Vehicle Look-up Table (VLT) Row Specific Emissions Standards (Cutpoints) Table,
dated March 2010, which is hereby incorporated by reference. If the emissions
standards for a specific vehicle are not included in this table then the exhaust
emissions shall be compared to the emissions standards set forth in TABLE I or
TABLE II, as applicable. A vehicle passes the loaded-mode test if all of its measured
emissions are less than or equal to the applicable emission standards specified in the
applicable table.

(2) A two-speed idle mode test shall be the test method used to inspect 1976 -
1999 model-year vehicles, except diesel-powered, registered in all program areas of
the state, except in those areas of the state where the enhanced program has been
implemented. The two-speed idle mode test shall measure hydrocarbon, carbon
monoxide and carbon dioxide emissions at high RPM and again at idle RPM, as
contained in the bureau's specifications referenced in subsection (a) of Section
3340.17 of this article. Exhaust emissions from a vehicle subject to this inspection
shall be measured and compared to the emission standards set forth in this section and
as shown in TABLE III. A vehicle passes the two-speed idle mode test if all of its
measured emissions are less than or equal to the applicable emissions standards
specified in Table III.

1 (3) An OBD-focused test, shall be the test method used to inspect gasoline-
2 powered vehicles 2000 model-year and newer, and diesel-powered vehicles 1998
3 model-year and newer. The OBD test failure criteria are specified in section
4 3340.42.2.

5 (b) In addition to subsection (a), all vehicles subject to the smog check program
6 shall receive the following:

7 (1) A visual inspection of emission control components and systems to verify
8 the vehicle's emission control systems are properly installed.

9 (2) A functional inspection of emission control systems as specified in the
10 Smog Check Manual, referenced by section 3340.45, which may include an OBD
11 test, to verify their proper operation.

12 (c) The bureau may require any combination of the inspection methods in
13 sections (a) and (b) under any of the following circumstances:

14 (1) Vehicles that the department randomly selects pursuant to Health and Safety
15 Code section 44014.7 as a means of identifying potential operational problems with
16 vehicle OBD systems.

17 (2) Vehicles identified by the bureau as being operationally or physically
18 incompatible with inspection equipment.

19 (3) Vehicles with OBD systems that have demonstrated operational problems.

20 (d) Pursuant to section 39032.5 of the Health and Safety Code, gross polluter
21 standards are as follows:

22 (1) A gross polluter means a vehicle with excess hydrocarbon, carbon
23 monoxide, or oxides of nitrogen emissions pursuant to the gross polluter emissions
24 standards included in the tables described in subsection (a), as applicable.

25 (2) Vehicles with emission levels exceeding the emission standards for gross
26 polluters during an initial inspection will be considered gross polluters and the
27 provisions pertaining to gross polluting vehicles will apply, including, but not limited
28 to, sections 44014.5, 44015, and 44081 of the Health and Safety Code.

(3) A gross polluting vehicle shall not be passed or issued a certificate of
compliance until the vehicle's emissions are reduced to or below the applicable
emissions standards for the vehicle included in the tables described in subsection (a),
as applicable. However, the provisions described in section 44017 of the Health and
Safety Code may apply.

(4) This subsection applies in all program areas statewide to vehicles requiring
inspection pursuant to sections 44005 and 44011 of the Health and Safety Code.

COST RECOVERY

23. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
administrative law judge to direct a licensee found to have committed a violation or violations of
the licensing act to pay a sum not to exceed the reasonable costs of the investigation and

1 enforcement of the case, with failure of the licensee to comply subjecting the license to not being
2 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
3 included in a stipulated settlement.

4 **CALIFORNIA'S SMOG CHECK PROGRAM**

5 24. California's Smog Check Program requires most vehicles in the State to undergo a
6 smog check inspection every two years or when the vehicle's title is transferred.

7 25. A smog check inspection in certain "Enhanced" areas of the State is an Acceleration
8 Simulation Mode (ASM) test performed using an Emission Inspection System (EIS), also known
9 as a BAR 97. This is a computer based five-gas analyzer that measures Hydrocarbons (HC),
10 Carbon Monoxide (CO), Oxides of Nitrogen (NOx), Carbon Dioxide (CO²) and Oxygen (O²).
11 The first part of the test is a loaded mode test of the vehicle's tailpipe emissions on a
12 dynamometer. The vehicle's drive wheels are placed on rollers, and the vehicle is driven to
13 simulate driving conditions while the emissions are sampled by the EIS.

14 26. In "Basic" areas of the State, or depending on a vehicle's configuration, a similar test
15 called a Two Speed Idle test is performed, but instead of applying a load to the vehicle's drive
16 wheels with a dynamometer, the EIS measures the emissions of HC, CO, O², and CO² at idle as
17 well as 2500 revolutions per minute (rpm).

18 27. In the visual portion of a smog check, the technician inspects the emission control
19 components to verify that the required emission control devices are present and properly
20 connected.

21 28. An On-Board Diagnostics (OBD II) functional test is also performed on most 1996 to
22 1999 model year vehicles. The EIS retrieves information through the Diagnostic Link Connector
23 (DLC) from the vehicle's on-board computer about its ability to communicate, the status of the
24 I/M readiness monitors and the MIL light command. The I/M readiness monitors tell whether
25 the OBD II system has run a sufficient number of self-tests on the vehicle's emission and engine
26 control systems. A failure of one or more of the OBD II functional criteria, depending on model
27 year, will result in the vehicle failing its smog check inspection. In addition to reporting the
28 outcome of the OBD II functional test, the smog check inspection results also show Diagnostic

1 Trouble Codes (DTC) if there are any in the vehicle's on-board computer memory.

2 29. The inspector enters the results of the visual and functional inspections into the EIS.
3 The EIS unit makes the determination whether the vehicle passes the inspection based on the
4 results of the tailpipe, visual and functional tests.

5 30. The EIS is connected by internet connection to Bureau's Vehicle Information
6 Database (VID). If the vehicle passes the visual, functional and tailpipe tests, it passes the overall
7 inspection. A Certificate of Compliance is issued and transmitted electronically to the VID.
8 Additionally, all data gathered during a Smog Check inspection, regardless of the type of
9 inspection, is transmitted to and retained in the VID.

10 31. Beginning March 9, 2015, California's Smog Check Program was updated to require
11 the use of an On-Board Diagnostic Inspection System (BAR-OIS). BAR-OIS is the smog check
12 equipment required in all areas of the State when inspecting most model-year 2000 and newer
13 gasoline and hybrid vehicles. The system consists of a certified Data Acquisition Device (DAD),
14 computer, bar code scanner, and printer. The DAD is an OBD scan tool that, when requested by
15 the BAR-OIS software, retrieves OBD data from the vehicle. All OBD data that the vehicle
16 indicates it supports is requested by the BAR-OIS software and will be retrieved. The DAD
17 connects between the BAR-OIS computer and the vehicle's DLC. The bar code scanner is used to
18 input inspector information, the vehicle identification number (VIN), and Department of Motor
19 Vehicles renewal information. The printer provides a Vehicle Inspection Report (VIR)
20 containing inspection results for motorists and a Smog Check Certificate of Compliance number
21 for passing vehicles.

22 32. During an OIS inspection, engine operating parameters are retrieved from the
23 vehicle's OBD II system and recorded to the VID. This is accomplished during the functional
24 portion of the OIS Smog Check inspection by plugging the DAD into the vehicle's DLC when
25 prompted by the OIS analyzer screen prompt. Some of the parameters recorded are:

- 26 • Engine speed in revolutions per minute (RPM)

1 • Throttle position as measured by a throttle position sensor (TPS) mounted onto the
2 throttle shaft. Measured in a percentage of opening from 0% at idle and near or up to 100% at full
3 throttle.

4 • Manifold absolute pressure as measured by a manifold air pressure sensor (MAP)
5 connected to an intake manifold source, measured in kilo pascals (kpa). Typical readings for a
6 normally aspirated vehicle as follows: 0 kpa being absolute vacuum, 25 to 45 kpa at idle, 101 kpa
7 at full throttle, same as atmospheric pressure at sea level.

8 • Mass air flow as measured by a mass air flow sensor (MAF) mounted in the engine's
9 air intake tract. Measured in grams per second (gps).

10 • Ignition timing is set by the vehicle PCM based on engine speed and load, and is
11 measured in degrees Before Top Dead Center (BTDC).

12 Not all vehicles include both MAP and MAF parameters. Many vehicles will have either
13 MAP or MAF parameters separately.

14 33. During normal engine operation at idle, engine speed is relatively steady around its
15 target idle speed. With the engine idling, the TPS is steady and at or near 0%. The MAP and/or
16 MAF readings are also steady. For the engine speed to increase, the throttle would have to be
17 opened to increase airflow through the engine. The engine's management systems supply fuel
18 and spark timing appropriate to any changes in throttle position and engine speed.
19 An increase in throttle, measured by the TPS, which increases engine RPM, would result in a
20 corresponding increase in MAF as well as a change in MAP. Any movement in the throttle from
21 the idle position will result in an increase of airflow through the engine with corresponding
22 increases RPM and MAF along with changes in MAP.

23 34. During an OIS Smog Check inspection, along with other visual and functional
24 inspections, there is an OBD II query portion of the inspection. The OBD II query is performed
25 with the engine idling and, when requested by the OIS analyzer, and an elevated or increased
26 engine speed. The increase in engine speed is performed by the inspector by stepping on the
27 throttle pedal or manually opening the throttle resulting in a corresponding increase in engine
28 RPMs by allowing an increase in airflow into the engine.

1 35. The Bureau has become aware of methods that some Smog Check stations and Smog
2 Check inspectors use to fraudulently issue smog certificates to vehicles that may not pass a smog
3 check test on their own, or in some instances, are not even present during the time the test is
4 performed. “Clean plugging” is a method by which another vehicle’s OBD II system, or another
5 source such as defeat devices, are used to generate passing data readings or diagnostic
6 information for the purpose of fraudulently issuing smog certificates to vehicles that are not in
7 smog compliance, and or not present for testing. Defeat devices attempt to simulate engine
8 operation during a smog check inspection by transmitting OBD II data to the VID which has been
9 modified or replaced entirely for the purportedly inspected vehicle during the functional portion
10 of the OIS inspection.

FACTUAL ALLEGATIONS

11
12 36. On or about April 10, 2024, a Bureau of Automotive Repair investigator began
13 reviewing the Vehicle Information Database (VID) data for smog check inspections performed at
14 Respondent Tommy Smog Only which showed a pattern of vehicles being certified with engine
15 operating parameters that did not correspond to normal engine operation, confirming the vehicles
16 receiving smog certifications were not tested during the OBD II functional test, which constitutes
17 clean plugging. The Bureau’s review of the Smog Check activities at Tommy Smog Only
18 confirmed ten (10) Smog Check Certificates of Compliance were fraudulently issued by Tommy
19 Smog Only to vehicles that were inspected by Respondent Japaridze.

Fraudulent Inspection 1 – 2000 Chevrolet GMT – 400 K2500

20
21 37. OIS Test Data for Tommy Smog Only indicated that on February 28, 2024, a 2000
22 Chevrolet GMT – 400 K2500, VIN #1GCGK24R5YR103614, was tested and Smog Certificate of
23 Compliance # IZ352666C was issued by Tommy Smog Only, under Respondent Japaridze’s
24 Smog Check Inspector License. The OIS Test Data also shows that between time stamps 27 and
25 16642, engine speed is steady at approximately 830 RPM. During this time the throttle is fixed at
26 0% opening, the MAP is fixed at 31kpa, and the MAF is fixed at 5.96gps. Between time stamp
27 17002 and 33617, the engine speed is accelerated and held steady at approximately 2350 RPM.
28 During the steady elevated engine RPM, the throttle is fixed at 0% opening, the MAP is fixed at

1 31kpa, and the MAF is fixed at 5.96gps. The throttle position, MAF, MAP, and ignition timing
2 advance readings remained unchanged even though the engine speed was increased. These
3 readings are not characteristic or expected for normal engine operation. These discrepancies
4 confirm that the OIS DAD was not connected to the 2000 Chevrolet GMT during the certification
5 process as required, thereby confirming this as a fraudulent inspection by way of Clean Plugging.

6 **Fraudulent Inspection 2 – 2003 Isuzu NPR**

7 38. OIS Test Data for Tommy Smog Only indicated that on March 26, 2024, a 2003
8 Isuzu NPR, CA License 06972D2, VIN #4KLB4B1U13J804249, was tested and Smog Certificate
9 of Compliance #TU315319C was issued by Tommy Smog Only, under Respondent Japaridze's
10 Smog Check Inspector License. The OIS Test Data also shows that between time stamps 28 and
11 19764, engine speed is steady at approximately 750 RPM. During this time the throttle is fixed at
12 7.1% opening, the MAP is fixed at 36kpa, and the MAF is fixed at 6.04gps. Between time stamp
13 20107 and 36540, the engine speed is accelerated and held steady at approximately 1700 RPM.
14 During the steady elevated engine RPM, the throttle is fixed at 7.1% opening, the MAP is fixed at
15 36kpa, and the MAF is fixed at 6.04gps. The throttle position, MAF, MAP, and ignition timing
16 advance readings remained unchanged even though the engine speed was increased. These
17 readings are not characteristic or expected for normal engine operation. These discrepancies
18 confirm that the OIS DAD was not connected to the 2003 Isuzu NPR during the certification
19 process as required, thereby confirming this as a fraudulent inspection by way of Clean Plugging.

20 **Fraudulent Inspection 3 – 2006 Acura RSX Type S**

21 39. OIS Test Data for Tommy Smog Only indicated that on March 26, 2024, a 2006
22 Acura RSX Type S, CA License 9AUB978, VIN #JH4DC53036S011331, was tested and Smog
23 Certificate of Compliance #TU315321C was issued by Tommy Smog Only, under Respondent
24 Japaridze's Smog Check Inspector License. The OIS Test Data also shows that between time
25 stamps 119 and 17149, engine speed is steady at approximately 800 RPM. During this time the
26 throttle is fixed at 9.8% opening and the MAP is fixed at 37kpa. Between time stamp 17504 and
27 33671, the engine speed is accelerated and held steady at approximately 1640 RPM. During the
28 steady elevated engine RPM, the throttle is fixed at 9.8% opening and the MAP is fixed at 37kpa.

1 The throttle position, MAP, and ignition timing advance readings remained unchanged even
2 though the engine speed was increased. These readings are not characteristic or expected for
3 normal engine operation. These discrepancies confirm that the OIS DAD was not connected to
4 the 2006 Acura RSX during the certification process as required, thereby confirming this as a
5 fraudulent inspection by way of Clean Plugging.

6 **Fraudulent Inspection 4 – 2001 Mercedes-Benz SLK 230 Kompressor**

7 40. OIS Test Data for Tommy Smog Only indicated that on March 26, 2024, a 2001
8 Mercedes-Benz SLK 230 Kompressor, CA License 7KOM694, VIN #WDBKK49F61F174072,
9 was tested and Smog Certificate of Compliance #TU315322C was issued by Tommy Smog Only,
10 under Respondent Japaridze’s Smog Check Inspector License. The OIS Test Data also shows that
11 between time stamps 160 and 20470, engine speed is steady at approximately 800 RPM. During
12 this time the throttle is fixed at 4.3% opening and the MAF is fixed at 4.69gps. Between time
13 stamp 20798 and 36985, the engine speed is accelerated and held steady at approximately 1750
14 RPM. During the steady elevated engine RPM, the throttle is fixed at 4.3% opening and the MAF
15 is fixed at 4.69gps. The throttle position, MAF, and ignition timing advance readings remained
16 unchanged even though the engine speed was increased. These readings are not characteristic or
17 expected for normal engine operation. These discrepancies confirm that the OIS DAD was not
18 connected to the 2001 Mercedes-Benz SLK 230 during the certification process as required,
19 thereby confirming this as a fraudulent inspection by way of Clean Plugging.

20 **Fraudulent Certification 5 – 2001 Volvo S40 1.9T**

21 41. OIS Test Data for Tommy Smog Only indicated that on April 12, 2024, a 2001 Volvo
22 S40 1.9T, CA License 8GDA147, VIN #YV1VS29511F634923, was tested and Smog Certificate
23 of Compliance #TU315336C was issued by Tommy Smog Only, under Respondent Japaridze’s
24 Smog Check Inspector License. The OIS Test Data also shows that between time stamps 145 and
25 18585, engine speed is steady at approximately 650 RPM. During this time the throttle is fixed at
26 14.1% opening, the MAP is fixed at 64kpa and the MAF is fixed at 2.8gps. Between time stamp
27 18908 and 31165, the engine speed is accelerated and held steady at approximately 1600 RPM.
28 During the steady elevated engine RPM, the throttle is fixed at 14.1% opening, the MAP is fixed

1 at 64kpa and the MAF is fixed at 2.8gps. The throttle position, MAP, MAF, and ignition timing
2 advance readings remained unchanged even though the engine speed was increased. These
3 readings are not characteristic or expected for normal engine operation. These discrepancies
4 confirm that the OIS DAD was not connected to the 2001 Volvo S40 1.9T during the certification
5 process as required, thereby confirming this as a fraudulent inspection by way of Clean Plugging.

6 **Fraudulent Certification 6 – 2004 Ford F250 Super Duty**

7 42. OIS Test Data for Tommy Smog Only indicated that on April 13, 2024, a 2004 Ford
8 F250 Super Duty, CA License 65960K2, VIN #1FTNX20L74EB89357, was tested and Smog
9 Certificate of Compliance #TU315345C was issued by Tommy Smog Only, under Respondent
10 Japaridze’s Smog Check Inspector License. The OIS Test Data also shows that between time
11 stamps 16 and 18293, engine speed is steady at approximately 700 RPM. During this time the
12 throttle is fixed at 20.4% opening, and the MAF is fixed at 5.86gps. Between time stamp 18649
13 and 36410, the engine speed is accelerated and held steady at approximately 1550 RPM. During
14 the steady elevated engine RPM, the throttle is fixed at 20.4% opening, and the MAF is fixed at
15 5.86gps. The throttle position, MAF, and ignition timing advance readings remained unchanged
16 even though the engine speed was increased. These readings are not characteristic or expected
17 for normal engine operation. These discrepancies confirm that the OIS DAD was not connected
18 to the 2004 Ford F250 Super Duty during the certification process as required, thereby confirming
19 this as a fraudulent inspection by way of Clean Plugging.

20 **Fraudulent Certification 7 – 2004 Ford F250 Super Duty**

21 43. OIS Test Data for Tommy Smog Only indicated that on April 13, 2024, a 2004 Ford
22 F250 Super Duty, CA License 10219H1, VIN #1FTNX20L74EC05511, was tested and Smog
23 Certificate of Compliance #TU315347C was issued by Tommy Smog Only, under Respondent
24 Japaridze’s Smog Check Inspector License. The OIS Test Data also shows that between time
25 stamps 21 and 19308, engine speed is steady at approximately 600 RPM. During this time the
26 throttle is fixed at 18.4% opening, and the MAF is fixed at 5.92gps. Between time stamp 19689
27 and 37289, the engine speed is accelerated and held steady at approximately 1650 RPM. During
28 the steady elevated engine RPM, the throttle is fixed at 18.4% opening, and the MAF is fixed at

1 5.92gps. The throttle position, MAF, and ignition timing advance readings remained unchanged
2 even though the engine speed was increased. These readings are not characteristic or expected
3 for normal engine operation. These discrepancies confirm that the OIS DAD was not connected
4 to the 2004 Ford F250 Super Duty during the certification process as required, thereby confirming
5 this as a fraudulent inspection by way of Clean Plugging.

6 **Fraudulent Certification 8 – 2003 Ford Excursion XLT Super Duty**

7 44. OIS Test Data for Tommy Smog Only indicated that on April 13, 2024, a 2003 Ford
8 Excursion XLT, CA License 5COT484, VIN #1FMNU40L73ED20625, was tested and Smog
9 Certificate of Compliance #TU315348C was issued by Tommy Smog Only, under Respondent
10 Japaridze’s Smog Check Inspector License. The OIS Test Data also shows that between time
11 stamps 17 and 15901, engine speed is steady at approximately 750 RPM. During this time the
12 throttle is fixed at 20% opening, and the MAF is fixed at 6.42gps. Between time stamp 16423 and
13 34344, the engine speed is accelerated and held steady at approximately 1650 RPM. During the
14 steady elevated engine RPM, the throttle is fixed at 20% opening, and the MAF is fixed at
15 6.42gps. The throttle position, MAF, and ignition timing advance readings remained unchanged
16 even though the engine speed was increased. These readings are not characteristic or expected
17 for normal engine operation. These discrepancies confirm that the OIS DAD was not connected
18 to the 2003 Ford Excursion XLT during the certification process as required, thereby confirming
19 this as a fraudulent inspection by way of Clean Plugging.

20 **Fraudulent Certification 9 – 2003 Dodge Ram 1500 ST**

21 45. OIS Test Data for Tommy Smog Only indicated that on April 13, 2024, a 2003
22 Dodge Ram 1500 ST, CA License 7U45462, VIN #1D7HA18N93J551571, was tested and Smog
23 Certificate of Compliance #TU315350C was issued by Tommy Smog Only, under Respondent
24 Japaridze’s Smog Check Inspector License. The OIS Test Data also shows that between time
25 stamps 52 and 23469, engine speed is steady at approximately 800 RPM. During this time the
26 throttle is fixed at 10.2% opening, and the MAP is fixed at 32kpa. Between time stamp 23808 and
27 41672, the engine speed is accelerated and held steady at approximately 1550 RPM. During the
28 steady elevated engine RPM, the throttle is fixed at 10.2% opening, and the MAP is fixed at

1 32kpa. The throttle position, MAP, and ignition timing advance readings remained unchanged
2 even though the engine speed was increased. These readings are not characteristic or expected
3 for normal engine operation. These discrepancies confirm that the OIS DAD was not connected
4 to the 2003 Dodge Ram 1500 ST during the certification process as required, thereby confirming
5 this as a fraudulent inspection by way of Clean Plugging.

6 **Fraudulent Certification 10 – 2000 Ford F350 Super Duty**

7 46. OIS Test Data for Tommy Smog Only indicated that on April 13, 2024, a 2000 Ford
8 F350 Super Duty, CA License 8M20373, VIN #1FDWF36S8YEA35981, was tested and Smog
9 Certificate of Compliance #TW225052C was issued by Tommy Smog Only, under Respondent
10 Japaridze’s Smog Check Inspector License. The OIS Test Data also shows that between time
11 stamps 21 and 18960, engine speed is steady at approximately 800 RPM. During this time the
12 throttle is fixed at 20.4% opening, and the MAF is fixed at 8.69gps. Between time stamp 19305
13 and 35553, the engine speed is accelerated and held steady at approximately 1500 RPM. During
14 the steady elevated engine RPM, the throttle is fixed at 20.4% opening, and the MAF is fixed at
15 8.69gps. The throttle position, MAF, and ignition timing advance readings remained unchanged
16 even though the engine speed was increased. These readings are not characteristic or expected
17 for normal engine operation. These discrepancies confirm that the OIS DAD was not connected
18 to the 2000 Ford F350 Super Duty during the certification process as required, thereby confirming
19 this as a fraudulent inspection by way of Clean Plugging.

20 **FIRST CAUSE FOR DISCIPLINE**

21 **(Untrue of Misleading Statements)**

22 47. Respondent’s Automotive Repair Dealer Registration is subject to disciplinary action
23 pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(1), in that he made statements
24 which were known to be untrue or misleading or, which by exercise of reasonable care should
25 have been known to be untrue or misleading, by issuing electronic smog certificates of
26 compliance for the ten (10) vehicles set forth in paragraphs 36-46 above, certifying that those
27 vehicles were in compliance with applicable laws and regulations when, in fact, those vehicles
28 had not been so inspected. Complainant refers to, and by this reference incorporates, the

1 allegations contained in paragraphs 36 through 46.

2 **SECOND CAUSE FOR DISCIPLINE**

3 **(Fraud)**

4 48. Respondent's Automotive Repair Dealer Registration is subject to disciplinary action
5 pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(4), in that he committed acts that
6 constitute fraud by issuing electronic certificates of compliance to the ten (10) vehicles set forth
7 in paragraphs 36-46, above, without performing bone fide inspections of the emission control
8 devices and systems on those vehicles, thereby depriving the People of the State of California of
9 the protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by
10 this reference incorporates, the allegations contained in paragraphs 36 through 46.

11 **THIRD CAUSE FOR DISCIPLINE**

12 **(Material Violation of Automotive Repair Act)**

13 49. Respondent's Automotive Repair Dealer Registration is subject to disciplinary action
14 pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(6), in that he failed in a material
15 respect to comply with the provisions of this chapter or regulations adopted pursuant to it when
16 he issued electronic certificates of compliance for the ten (10) vehicles set forth in paragraphs 36-
17 46, above, without performing bona fide inspections of the emission control devices and systems
18 on those vehicles, thereby depriving the People of the State of California of the protection
19 afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by this reference
20 incorporates, the allegations contained in paragraphs 36 through 46, above.

21 **FOURTH CAUSE FOR DISCIPLINE**

22 **(False Statement or Entry on a Certificate of Compliance)**

23 50. Respondent's Automotive Repair Dealer Registration is subject to disciplinary action
24 pursuant to Bus. & Prof. Code section 9889.22 in that he made a false statement or entry on a
25 certificate of compliance when he issued electronic certificates of compliance for the ten (10)
26 vehicles set forth in paragraphs 36-46, above, without performing bona fide inspections of the
27 emission control devices and systems on those vehicles, thereby depriving the People of the State
28 of California of the protection afforded by the Motor Vehicle Inspection Program. Complainant

1 refers to, and by this reference incorporates, the allegations contained in paragraphs 36 through
2 46, above.

3 **FIFTH CAUSE FOR DISCIPLINE**

4 **(Unfair Competition)**

5 51. Respondent's Automotive Repair Dealer Registration is subject to disciplinary action
6 pursuant to Bus. & Prof. Code section 17200 in that he engaged in unfair competition when he
7 issued electronic certificates of compliance for the ten (10) vehicles set forth in paragraphs 36-46,
8 above, without performing bona fide inspections of the emission control devices and systems on
9 those vehicles, thereby depriving the People of the State of California of the protection afforded
10 by the Motor Vehicle Inspection Program. Complainant refers to, and by this reference
11 incorporates, the allegations contained in paragraphs 36 through 46.

12 **SIXTH CAUSE FOR DISCIPLINE**

13 **(Untrue or Misleading Statements)**

14 52. Respondent's Automotive Repair Dealer Registration is subject to disciplinary action
15 pursuant to Bus. & Prof. Code section 17500 in that he made untrue or misleading statements
16 when he issued electronic certificates of compliance for the ten (10) vehicles set forth in
17 paragraphs 36-46, above, without performing bona fide inspections of the emission control
18 devices and systems on those vehicles, thereby depriving the People of the State of California of
19 the protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by
20 this reference incorporates, the allegations contained in paragraphs 36 through 46.

21 **SEVENTH CAUSE FOR DISCIPLINE**

22 **(Violations of the Motor Vehicle Inspection Program)**

23 53. Respondent's Smog Check Test Only Station License is subject to disciplinary action
24 pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that he failed to comply with
25 the following sections of that Code:

26 a. **Section 44012:** Respondent failed to ensure that the emission control tests were
27 performed on the ten (10) vehicles identified in paragraphs 36-46, above, in accordance with
28 procedures prescribed by the department.

1 d. **Section 3340.41, subdivision (c)**: Respondent knowingly entered false information
2 into the emissions inspection system for the ten (10) vehicles identified in paragraphs 36-46,
3 above.

4 e. **Section 3340.42**: Respondent failed to ensure that the smog inspections conducted
5 on the ten (10) vehicles identified in paragraphs 36-46, above, were done in accordance with the
6 Bureau's specifications.

7 Complainant refers to, and by this reference incorporates, the allegations contained in
8 paragraphs 36 through 46, above.

9 **NINTH CAUSE FOR DISCIPLINE**

10 **(Dishonesty, Fraud or Deceit)**

11 55. Respondent's Smog Check Test Only Station License is subject to disciplinary action
12 pursuant to Health & Saf. Code section 44072.2, subdivision (d), in conjunction with Health &
13 Saf. Code section 44072.10, subdivision (c), in that he committed dishonest, fraudulent, or
14 deceitful acts whereby another was injured by issuing electronic smog certificates of compliance
15 for the ten (10) vehicles described in paragraphs 36-46, above, without performing bona fide
16 inspections of the emission control devices and systems on those vehicles, thereby depriving the
17 People of the State of California of the protection afforded by the Motor Vehicle Inspection
18 Program. Complainant refers to, and by this reference incorporates, the allegations contained in
19 paragraphs 36 through 46, above.

20 **TENTH CAUSE FOR DISCIPLINE**

21 **(Violations of the Motor Vehicle Inspection Program)**

22 56. Respondent's Smog Check Inspector License is subject to disciplinary action
23 pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that he failed to comply with
24 the following sections of that code:

25 a. **Section 44032**: Respondent failed to perform tests of emission control devices and
26 systems of the ten (10) vehicles identified in paragraphs 36-46, above, in accordance with Health
27 & Saf. Code section 44012.

28

1 b. **Section 44015, subdivision (b)**: Respondent caused electronic smog certificates of
2 compliance to be issued for the ten (10) vehicles identified in paragraphs 36-46, above, without
3 ensuring that they were properly tested and inspected to determine if they were in compliance
4 with Health & Saf. Code section 44012.

5 Complainant refers to, and by this reference incorporates, the allegations contained in
6 paragraphs 36 through 46, above.

7 **ELEVENTH CAUSE FOR DISCIPLINE**

8 **(Failure to Comply with Regulations Pursuant**
9 **to the Motor Vehicle Inspection Program)**

10 57. Respondent's Smog Check Inspector License is subject to disciplinary action
11 pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that he failed to comply with
12 provisions of California Code of Regulations, title 16, as follows:

13 a. **Section 3340.24, subdivision (c)**: Respondent falsely or fraudulently issued
14 electronic smog certificates of compliance for the ten (10) vehicles identified in paragraphs 36-
15 46, above.

16 b. **Section 3340.30, subdivision (a)**: Respondent failed to inspect and test the ten (10)
17 vehicles identified in paragraphs 36-46, above, in accordance with Health & Saf. Code sections
18 44012 and 44035, and California Code of Regulations, title 16, section 3340.42.

19 c. **Section 3340.41, subdivision (c)**: Respondent knowingly entered false information
20 into the emissions inspection system for the ten (10) vehicles identified in paragraphs 36-46,
21 above.

22 d. **Section 3340.42**: Respondent failed to ensure that the smog inspections conducted
23 on the ten (10) vehicles identified in paragraphs 36-46, above, were done in accordance with the
24 Bureau's specifications.

25 Complainant refers to, and by this reference incorporates, the allegations contained in
26 paragraphs 36 through 46, above.

27 /////

28 /////

1 **TWELFTH CAUSE FOR DISCIPLINE**

2 **(Dishonesty, Fraud or Deceit)**

3 58. Respondent's Smog Check Inspector License is subject to disciplinary action
4 pursuant to Health & Saf. Code section 44072.2, subdivision (d), in conjunction with Health &
5 Saf. Code section 44072.10, subdivision (c), in that he committed dishonest, fraudulent, or
6 deceitful acts whereby another was injured by issuing electronic smog certificates of compliance
7 for the ten (10) vehicles identified in paragraphs 36-46, above, without performing bona fide
8 inspections of the emission control devices and systems on those vehicles, thereby depriving the
9 People of the State of California of the protection afforded by the Motor Vehicle Inspection
10 Program. Complainant refers to, and by this reference incorporates, the allegations contained in
11 paragraphs 36 through 46, above.

12 **OTHER MATTERS**

13 59. Pursuant to Bus. & Prof. Code section 9884.7, subdivision (c), the Director may
14 suspend, revoke, or place on probation the registration for all places of business operated in this
15 state by Respondent, upon a finding that he has, or is, engaged in a course of repeated and willful
16 violations of the laws and regulations pertaining to an automotive repair dealer.

17 60. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Test Only Station
18 License No. TC 306982, issued to Respondent, is revoked or suspended, any additional license
19 issued under Chapter 5 of Part 5 of Division 26 of the Health & Saf. Code in the name of said
20 licensee may be likewise revoked or suspended by the director.

21 61. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Inspector License
22 No. EO 643068, issued to Respondent, is revoked or suspended, any additional license issued
23 under Chapter 5 of Part 5 of Division 26 of the Health & Saf. Code in the name of said licensee
24 may be likewise revoked or suspended by the director.

25 **PRAYER**

26 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
27 Accusation, and that following the hearing, the Director of the Department of Consumer Affairs
28 issue a decision:

- 1 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
- 2 306982, issued to Temuri Japaridze dba Tommy Smog Only;
- 3 2. Revoking or suspending any other automotive repair dealer registration issued to
- 4 Temuri Japaridze;
- 5 3. Revoking or suspending Smog Check, Test-Only, Station License Number TC
- 6 306982, issued to Temuri Japaridze dba Tommy Smog Only;
- 7 4. Revoking or suspending Smog Check Inspector License Number EO 643068, issued
- 8 to Temuri Japaridze;
- 9 5. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
- 10 Division 26 of the Health and Safety Code in the name of Temuri Japaridze;
- 11 6. Ordering Temuri Japaridze to pay the Bureau of Automotive Repair the reasonable
- 12 costs of the investigation and enforcement of this case, pursuant to Business and Professions
- 13 Code section 125.3 and if placed on probation, the costs of probation monitoring;
- 14 and,
- 15 7. Taking such other and further action as deemed necessary and proper.

16
17 DATED: As of Digital Signature Date

18 _____
19 PATRICK DORAIS
20 Chief
21 Bureau of Automotive Repair
22 Department of Consumer Affairs
23 State of California
24 *Complainant*

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