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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. 79/25-7013

13 **SMOG WIZARD**  
**YESHUA ASKARI, PARTNER**  
14 **KHADIJEH BARATZADEH, PARTNER**  
3445 Cincinnati Avenue  
15 Rocklin, CA 95765

**ACCUSATION**

16 **Automotive Repair Dealer Registration**  
**No. ARD 305053**  
17 **Smog Check, Test-Only, Station License**  
**No. TC 305053,**

18 **AARON MICHAEL TAYLOR**  
19 1015 Riley Street Unit 965  
Folsom, CA 95763

20 Mailing Address:  
21 457 Toburay Way  
Folsom, CA 95630

22 **Smog Check Inspector License No.**  
23 **EO 644230,**

24 **SANJEEV SINGH**  
6 Poinsettia Ct.  
25 Sacramento, CA 95838

26 **Smog Check Inspector License No.**  
**EO 633638**  
27 **Smog Check Repair Technician License No.**  
**EI 633638,**  
28



633638 to Sanjeev Singh (Respondent Singh). The Smog Check Inspector License was in full force and effect at all times relevant to the charges brought herein and will expire on June 30, 2027, unless renewed.

**Smog Check Repair Technician License- Respondent Singh**

6. On or about May 1, 2013, the Bureau issued Smog Check Repair Technician License Number EI 633638 to Respondent Singh. The Smog Check Repair Technician License expired on June 30, 2017, and has not been renewed.

**Smog Check Inspector License- Respondent Askari**

7. On or about August 7, 2013, the Bureau issued Smog Check Inspector License Number EO 140578 to Hirmand Askari (Respondent Askari). The Smog Check Inspector License was in full force and effect at all times relevant to the charges brought herein and will expire on July 31, 2027, unless renewed.

**Smog Check Repair Technician License- Respondent Askari**

8. On or about August 7, 2013, the Bureau issued Smog Check Repair Technician License Number EI 140578 to Respondent Askari. The Smog Check Repair Technician License expired on July 31, 2017, and has not been renewed.

**JURISDICTION**

9. This Accusation is brought before the Director for the Bureau (Director) under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

10. Code section 477 provides, in pertinent part, that Board includes bureau, commission, committee, department, division, examining committee, program, and agency. License includes certificate, registration, or other means to engage in a business or profession regulated by the Code.

11. Code section 9884.13 states, "The expiration of a valid registration shall not deprive the director or chief of jurisdiction to proceed with any investigation or disciplinary proceeding against an automotive repair dealer or to render a decision invalidating a registration temporarily or permanently."

12. Health and Safety Code (Health & Saf. Code) section 44002 provides, in pertinent part, that the Director has all the powers and authority granted under the Automotive Repair Act for enforcing the Motor Vehicle Inspection Program.

13. Health & Saf. Code section 44072.6 provides, in pertinent part, that the expiration or suspension of a license by operation of law or by order or decision of the Director of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive the Director of jurisdiction to proceed with disciplinary action.

14. Health & Saf. Code section 44072.8 states that when a license has been revoked or suspended following a hearing under this article, any additional licenses issued under this chapter in the name of the licensee may be likewise revoked or suspended by the Director.

### **STATUTORY PROVISIONS**

15. Code section 9884.7 states, in pertinent part:

(a) The director, where the automotive repair dealer cannot show there was a bona fide error, may deny, suspend, revoke, or place on probation the registration of an automotive repair dealer for any of the following acts or omissions related to the conduct of the business of the automotive repair dealer, which are done by the automotive repair dealer or any automotive technician, employee, partner, officer, or member of the automotive repair dealer.

(1) Making or authorizing in any manner or by any means whatever any statement written or oral which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading.

...

(4) Any other conduct which constitutes fraud.

...

(6) Failure in any material respect to comply with the provisions of this chapter or regulations adopted pursuant to it.

...

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

16. Code section 9889.22 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

1 is required by this chapter or Chapter 5 (commencing with Section 44000) of Part 5 of  
2 Division 26 of the Health and Safety Code constitutes perjury and is punishable as provided  
in the Penal Code.

3 17. Health & Saf. Code section 44012, states, in pertinent part:

4 The test at the smog check stations shall be performed in accordance with  
5 procedures prescribed by the department and may require loaded mode  
6 dynamometer testing in enhanced areas, two-speed idle testing, testing utilizing a  
7 vehicle's onboard diagnostic system, or other appropriate test procedures as  
8 determined by the department in consultation with the state board. The department  
9 shall implement testing using onboard diagnostic systems, in lieu of loaded mode  
10 dynamometer or two-speed idle testing, on model year 2000 and newer vehicles  
only, beginning no earlier than January 1, 2013. However, the department, in  
consultation with the state board, may prescribe alternative test procedures that  
include loaded mode dynamometer or two-speed idle testing for vehicles with  
onboard diagnostic systems that the department and the state board determine  
exhibit operational problems. The department shall ensure, as appropriate to the  
test method, the following:

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

13 ...

14 (f) A visual or functional check is made of emission control devices  
15 specified by the department, including the catalytic converter in those instances in  
which the findings of Section 44001. The visual or functional check shall be  
performed in accordance with the procedures as prescribed by the department....

16 18. Health & Saf. Code section 44015, subdivision (b), provides that a certificate  
17 of compliance shall be issued if a vehicle meets the requirements of the Health & Saf. Code  
18 section 44012.

19 19. Health & Saf. Code section 44032 provides that qualified technicians shall perform  
20 tests of emissions control devices and systems in accordance with Health & Saf. Code section  
21 44012.

22 20. Health & Saf. Code section 44059 states:

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

27 21. Health & Saf. Code section 44072.2 states, in pertinent part:

28 The director may suspend, revoke, or take other disciplinary action against a

license as provided in this article if the licensee, or any partner, officer, or director thereof, does any of the following:

(a) Violates any section of this chapter [the Motor Vehicle Inspection Program (Health and Safety Code, § 44000, et seq.)] and the regulations adopted pursuant to it, which related to the licensed activities.

...

(c) Violates any of the regulations adopted by the director pursuant to this chapter.

(d) Commits any act involving dishonesty, fraud, or deceit whereby another is injured....

22. Health & Saf. Code section 44072.10 states, in pertinent part:

...

(c) The department shall revoke the license of any smog check technician or station license who fraudulently certifies vehicles or participates in the fraudulent inspection of vehicles. A fraudulent inspection includes, but is not limited to, all of the following:

...

(4) Intentional or willful violation of this chapter or any regulation, standard, or procedure of the department implementing this chapter....

### **REGULATORY PROVISIONS**

23. California Code of Regulations, title 16 (CCR), section 3340.30 states, in pertinent part:

A licensed smog check inspector and/or repair technician shall comply with the following requirements at all times while licensed:

(a) Inspect, test and repair vehicles, as applicable, in accordance with section 44012 of the Health and Safety Code, section 44035 of the Health and Safety Code, and section 3340.42 of this article....

24. CCR 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....

25. CCR section 3340.41, states, in pertinent part:

...

(c) No person shall enter into the emissions inspection system any vehicle identification information or emission control system identification data for any

vehicle other than the one being tested. Nor shall any person knowingly enter into the emissions inspection system any false information about the vehicle being tested....

26. CCR section 3340.42, states:

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

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

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

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

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

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

(2) A functional inspection of emission control systems as specified in the Smog Check Manual, referenced by section 3340.45, which may include an OBD

test, to verify their proper operation.

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

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

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

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

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

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

(2) Vehicles with emission levels exceeding the emission standards for gross polluters during an initial inspection will be considered gross polluters and the provisions pertaining to gross polluting vehicles will apply, including, but not limited 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.

27. CCR 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(e) 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.

### **COST RECOVERY**

28. Code section 125.3 provides, in pertinent part, that the Bureau may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of investigation and enforcement of the case, with failure of the licentiate to comply subjecting the license to not being renewed or



reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

### **UPDATED SMOG CHECK PROGRAM – ON BOARD DIAGNOSTIC SYSTEM**

29. On or about March 9, 2015, California's Smog Check Program was updated to keep pace with ever-advancing technology. The program update requires the use of an On-Board Diagnostic Inspection System (BAR-OIS). BAR-OIS is the smog check equipment required in all areas of the State when inspecting most model-year 2000 and newer gasoline and hybrid vehicles and most 1998 and newer diesel vehicles. The system consists of a certified Data Acquisition Device (DAD), computer, bar code scanner, and printer.

30. The DAD is an On-Board Diagnostic (OBD) scan tool that, when requested by the California BAR-OIS software, retrieves OBD data from the vehicle. The DAD connects between the BAR-OIS computer and the vehicle's diagnostic link connector. The bar code scanner is used to input technician information, the vehicle identification number, and the Department of Motor Vehicle (DMV) renewal information. The vehicle identification number (VIN) that is physically present on all vehicles is required to be programmed into the vehicle's On-Board Diagnostics — Generation II (OBD II) on 2005 and newer vehicles, and on many occasions was programmed into the OBD II computer in earlier model-years. The electronically programmed VIN is referred to as the “eVIN”, is captured by the Bureau during a smog check inspection and should match the physical VIN on the vehicle. The printer is used to provide a vehicle inspection report, which shows the inspection results and the Smog Check Certificate of Compliance Number for passing vehicles. Data retrieved and recorded during an OIS smog check includes the eVIN, the communication protocol<sup>1</sup>, and the number of Parameter Identifications (PID)<sup>2</sup>.

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<sup>1</sup> The OBD II communication protocol describes the specified communication “language” used by the OBD II computer to communication to scan tools and other devices such as the BAR-OIS. The communication protocol is programmed into the vehicle's on-board computer during manufacture and does not change.

<sup>2</sup> PIDs are data points reported by the vehicle's on-board computer to a scan tool or BAR-OIS, such as engine speed, vehicle speed, engine temperature, etc. The PID count is the number of data points.

## **REVIEW OF OIS TEST DATA**

31. Bureau representative D.W. reviewed BAR-OIS test data pertaining to smog inspections conducted at Respondent Wizard's facility. D.W. found that Respondent Taylor, Respondent Singh, and Respondent Askari performed smog check inspections on eight vehicles identified below using a method known as "clean plugging,"<sup>3</sup> resulting in the issuance of fraudulent certificates of compliance for the vehicles.

### **Vehicle 1**

32. BAR-OIS test data showed that on July 1, 2023, Respondent Taylor performed a smog check inspection on a 2017 Nissan Altima 2.5 (Vehicle 1), resulting in the issuance of Certificate of Compliance No. TK293078C. The OIS test details for Vehicle 1 showed that the eVIN had not been recorded during the inspection. D.W. reviewed the Comparative OIS Test Data for other 2017 Nissan Altima 2.5 vehicles and found that they transmit an eVIN. The PID count recorded during the inspection on Vehicle 1 was not consistent with the PID count for the make and model of this vehicle by other smog check stations. D.W. concluded that the DAD had not been connected to Vehicle 1 during the smog check inspection performed by Respondent Taylor, resulting in a fraudulent smog check certificate of compliance for Vehicle 1.

33. D.W. utilized the Bureau's database and found that Vehicle 1 was subsequently tested on June 3, 2024, at another licensed smog facility. The BAR-OIS test data from that inspection showed the eVIN had been transmitted as expected, and the communication protocol and PID count had been consistent with the make and model of Vehicle 1.

### **Vehicle 2**

34. BAR-OIS test data showed that on November 14, 2023, Respondent Taylor performed a smog check inspection on a 2016 Jeep Grand Cherokee Laredo (Vehicle 2), resulting in the issuance of Certificate of Compliance No. TO923113C. The OIS test details for Vehicle 2 showed that the eVIN had not been recorded during the inspection. D.W. reviewed the

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<sup>3</sup> Clean plugging is the use of a vehicle's properly functioning OBD II system, or another source, to generate passing diagnostic readings for the purpose of issuing a fraudulent smog certificate of compliance to another vehicle that is not in compliance with the Smog Check Program and/or is not present for testing.

1 Comparative OIS Test Data for other 2016 Jeep Grand Cherokee Laredo vehicles and found that  
2 they transmit an eVIN. The PID count recorded during the inspection on Vehicle 2 was not  
3 consistent with the PID count for the make and model of this vehicle by other smog check  
4 stations. D.W. concluded that the DAD had not been connected to Vehicle 2 during the smog  
5 check inspection performed by Respondent Taylor, resulting in a fraudulent smog check  
6 certificate of compliance for Vehicle 2.

7 35. D.W. utilized the Bureau's database and found that Vehicle 2 had been previously  
8 tested on December 10, 2019, at another licensed smog facility. The BAR-OIS test data from that  
9 inspection showed the eVIN had been transmitted as expected, and the communication protocol  
10 and PID count had been consistent with the make and model of Vehicle 2.

### 11 **Vehicle 3**

12 36. BAR-OIS test data showed that on September 1, 2024, Respondent Singh performed  
13 a smog check inspection on a 2012 Audi Q5 Premium Plus (Vehicle 3), resulting in the issuance  
14 of Certificate of Compliance No. UC696602C. The OIS test details for Vehicle 3 showed that the  
15 eVIN had not been recorded during the inspection. D.W. reviewed the Comparative OIS Test  
16 Data for other 2012 Audi Q5 Premium Plus vehicles and found that they transmit an eVIN. The  
17 PID count recorded during the inspection on Vehicle 3 was not consistent with the PID count for  
18 the make and model of this vehicle by other smog check stations. D.W. concluded that the DAD  
19 had not been connected to Vehicle 3 during the smog check inspection performed by Respondent  
20 Singh, resulting in a fraudulent smog check certificate of compliance for Vehicle 3.

21 37. D.W. utilized the Bureau's database and found that Vehicle 3 had been previously  
22 tested on December 11, 2023, at another licensed smog facility. The BAR-OIS test data from that  
23 inspection showed the eVIN had been transmitted as expected, and the communication protocol  
24 and PID count had been consistent with the make and model of Vehicle 3.

### 25 **Vehicle 4**

26 38. BAR-OIS test data showed that on September 4, 2024, Respondent Taylor performed  
27 a smog check inspection on a 2019 Infiniti QX50 Essential (Vehicle 4), resulting in the issuance  
28 of Certificate of Compliance No. UC763155C. The OIS test details for Vehicle 4 showed that the

eVIN had not been recorded during the inspection. D.W. reviewed the Comparative OIS Test Data for other 2019 Infiniti QX50 Essential vehicles and found that they transmit an eVIN. The PID count recorded during the inspection on Vehicle 4 was not consistent with the PID count for the make and model of this vehicle by other smog check stations. D.W. concluded that the DAD had not been connected to Vehicle 4 during the smog check inspection performed by Respondent Taylor, resulting in a fraudulent smog check certificate of compliance for Vehicle 4.

39. D.W. utilized the Bureau's database and found that Vehicle 4 had been previously tested on August 13, 2024, at another licensed smog facility. The BAR-OIS test data from that inspection showed the eVIN had been transmitted as expected, and the communication protocol and PID count had been consistent with the make and model of Vehicle 4.

#### **Vehicle 5**

40. BAR-OIS test data showed that on November 29, 2024, Respondent Taylor performed a smog check inspection on a 2020 GMC Acadia SLT (Vehicle 5), resulting in the issuance of Certificate of Compliance No. UG766916C. The OIS test details for Vehicle 5 showed that the eVIN recorded during the inspection did not match the physical VIN on Vehicle 5. The PID count recorded during the inspection on Vehicle 5 was not consistent with the PID count for the make and model of this vehicle by other smog check stations.

41. D.W. utilized the Bureau's database and found that Vehicle 5 had been previously tested and passed inspection on January 6, 2023, at a different facility. The BAR-OIS test data from that inspection showed the eVIN had been transmitted as expected, and the communication protocol and PID count had been consistent with the make and model of Vehicle 5.

42. Further, D.W. utilized the Bureau's database and found that the eVIN transmitted during the inspection of Vehicle 5 on November 29, 2024, matched a 2018 Mercedes Benz E300 4MATIC. The communication protocol and PID count transmitted to the Bureau's database during the inspection of Vehicle 5 had been consistent with the communication protocol and PID count for the 2018 Mercedes Benz E300 4MATIC. D.W. concluded that Respondent Taylor had used the 2018 Mercedes Benz E300 4MATIC's properly functioning OBD II system during the smog inspection of Vehicle 5, resulting in the issuance of a fraudulent smog certificate of

1 compliance for Vehicle 5.

2 **Vehicle 6**

3 43. BAR-OIS test data showed that on December 27, 2024, Respondent Taylor  
4 performed a smog check inspection on a 2015 Volkswagen Tiguan S (Vehicle 6), resulting in the  
5 issuance of Certificate of Compliance No. UI285625C. The OIS test details for Vehicle 6 showed  
6 that the eVIN recorded during the inspection did not match the physical VIN on Vehicle 6. The  
7 PID count recorded during the inspection on Vehicle 6 was not consistent with the PID count for  
8 the make and model of this vehicle by other smog check stations.

9 44. D.W. utilized the Bureau's database and found that Vehicle 6 had been previously  
10 tested and passed inspection on December 15, 2023, at a different facility. The BAR-OIS test  
11 data from that inspection showed the eVIN had been transmitted as expected, and the  
12 communication protocol and PID count had been consistent with the make and model of Vehicle  
13 6.

14 45. Further, D.W. utilized the Bureau's database and found that the eVIN transmitted  
15 during the inspection of Vehicle 6 on December 27, 2024, matched a 2019 Honda HR-V LX.  
16 The communication protocol and PID count transmitted to the Bureau's database during the  
17 inspection of Vehicle 6 were consistent with the communication protocol and PID count for the  
18 2019 Honda HR-V LX. D.W. concluded that Respondent Taylor had used the 2019 Honda HR-V  
19 LX's properly functioning OBD II system during the smog inspection of Vehicle 6, resulting in  
20 the issuance of a fraudulent smog certificate of compliance for Vehicle 6.

21 **Vehicle 7**

22 46. BAR-OIS test data showed that on January 8, 2025, Respondent Taylor performed a  
23 smog check inspection on a 2018 Kia Optima LX (Vehicle 7), resulting in the issuance of  
24 Certificate of Compliance No. UI627272C. The OIS test details for Vehicle 7 showed that the  
25 eVIN recorded during the inspection did not match the physical VIN on Vehicle 7. The PID count  
26 recorded during the inspection on Vehicle 7 was not consistent with the PID count for the make  
27 and model of this vehicle by other smog check stations.

28 47. D.W. reviewed the Comparative OIS Test Data for similar 2018 Kia Optima LX

1 vehicles and found that the communication protocol and PID count recorded during the inspection  
2 on Vehicle 7 had not been consistent with the communication protocol and PID count for that  
3 make and model vehicle. D.W. concluded that the DAD had not been connected to Vehicle 7  
4 during the inspection.

#### 5 **Vehicle 8**

6 48. BAR-OIS test data showed that on January 27, 2025, Respondent Askari performed a  
7 smog check inspection on a 2019 Toyota Prius (Vehicle 8), resulting in the issuance of Certificate  
8 of Compliance No. JB981306C. The OIS test details for Vehicle 8 showed that the eVIN  
9 recorded during the inspection did not match the physical VIN on Vehicle 8. The PID count  
10 recorded during the inspection on Vehicle 8 was not consistent with the PID count for the make  
11 and model of this vehicle by other smog check stations.

12 49. D.W. utilized the Bureau's database and found that the eVIN transmitted during the  
13 inspection of Vehicle 8 on January 27, 2025, matched a 2003 Ford F150 Super Cab. The  
14 communication protocol and PID count transmitted to the Bureau's database during the  
15 inspection of Vehicle 8 had been consistent with the communication protocol and PID count for  
16 the 2003 Ford F150 Super Cab. D.W. concluded that Respondent Askari had used the 2003 Ford  
17 F150's properly functioning OBD II system during the smog inspection of Vehicle 8, resulting in  
18 the issuance of a fraudulent smog certificate of compliance for Vehicle 8.

#### 19 **FIRST CAUSE FOR DISCIPLINE**

#### 20 **(Untrue or Misleading Statements)**

21 50. Respondent Wizard's registration is subject to disciplinary action pursuant to Code  
22 section 9884.7, subdivision (a)(1), in conjunction with Code section 9889.22, in that Respondent  
23 Wizard made or authorized statements which Respondent Wizard knew or in the exercise of  
24 reasonable care should have known to be untrue or misleading. Specifically, Respondent Wizard  
25 certified that Vehicles 1 through 8, identified in paragraphs 32 through 49, above, passed  
26 inspection and were in compliance with applicable laws and regulations when, in fact, those  
27 vehicles had not been properly inspected.

28 ///

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Fraud)**

3 51. Respondent Wizard's registration is subject to disciplinary action pursuant to Code  
4 section 9884.7, subdivision (a)(4), in that Respondent Wizard committed acts that constituted  
5 fraud by issuing electronic smog certificates of compliance for Vehicles 1 through 8, identified in  
6 paragraphs 32 through 49, above, without ensuring that bona fide inspections were performed of  
7 the emission control devices and systems on the vehicles, thereby depriving the People of the  
8 State of California of the protection afforded by the Motor Vehicle Inspection Program.

9 **THIRD CAUSE FOR DISCIPLINE**

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

11 52. Respondent Wizard's registration is subject to disciplinary action pursuant Code  
12 section 9884.7, subdivision (a)(6), in that Respondent Wizard failed in a material respect to  
13 comply with the provisions of the chapter or regulations adopted pursuant to it when Respondent  
14 Wizard issued electronic certificates of compliance for Vehicles 1 through 8, identified in  
15 paragraphs 32 through 49, above, without performing bona fide inspections of the emission  
16 control devices and systems on those vehicles, thereby depriving the People of the State of  
17 California of the protection afforded by the Motor Vehicle Inspection Program.

18 **FOURTH CAUSE FOR DISCIPLINE**

19 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

20 53. Respondent Wizard's smog check, test only, station license is subject to discipline  
21 pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that Respondent Wizard  
22 failed to comply with the following sections of the CCR's:

23 a. **Section 3340.35, subdivision (c)**: Respondent Wizard failed to inspect and test  
24 Vehicles 1 through 8 in accordance with the procedures specified in section 3340.42 of the CCR  
25 and failed to ensure that the vehicles had all the required emission control equipment and devices  
26 installed and functioning correctly.

27 b. **Section 3373**: Respondent Wizard made or authorized documents which it  
28 knew or which by exercise of reasonable care should have known to be untrue or misleading,

1 when Respondent issued fraudulent smog certificates of compliance for Vehicles 1 through 8.

2 **FIFTH CAUSE FOR DISCIPLINE**

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

4 54. Respondent Wizard's smog check, test only, station license is subject to disciplinary  
5 action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that with regards to  
6 Vehicles 1 through 8, identified in paragraphs 32 through 49, above, Respondent Wizard failed to  
7 comply with the Health & Saf. Code, as follows:

8 a. **Health & Saf. Code, section 44012:** Respondent Wizard failed to ensure that  
9 the emission control tests were performed on the vehicles in accordance with procedures  
10 prescribed by the department.

11 b. **Health & Saf. Code, section 44015:** Respondent Wizard issued electronic  
12 smog certificates of compliance for the vehicles without ensuring that the vehicles were properly  
13 tested and inspected to determine if they were in compliance with Health & Saf. Code section  
14 44012.

15 **SIXTH CAUSE FOR DISCIPLINE**

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

17 55. Respondent Wizard's smog check, test only, station license is subject to disciplinary  
18 action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in conjunction with  
19 Health & Saf. Code section 44072.10, subdivision (c), in that Respondent Wizard committed  
20 dishonest, fraudulent, or deceitful acts whereby another was injured by issuing electronic smog  
21 certificates of compliance for Vehicles 1 through 8, identified in paragraphs 32 through 49,  
22 above, without ensuring that a bona fide inspection had been performed of the emission control  
23 devices and systems on the vehicles, thereby depriving the people of the State of California of the  
24 protection afforded by the Motor Vehicle Inspection Program.

25 **SEVENTH CAUSE FOR DISCIPLINE**

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

27 56. Respondent Taylor's smog check inspector license is subject to disciplinary action  
28 pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that Respondent Taylor



1 violated section 44032 of that Code. Specifically, Respondent Taylor failed to perform the  
2 emission control tests on Vehicles 1, 2, and 4 through 7, identified in paragraphs 32 through 35,  
3 and 38 through 47, above, in accordance with procedures prescribed by the department.

#### 4 **EIGHTH CAUSE FOR DISCIPLINE**

##### 5 **(Failure to Comply with Regulations)**

6 57. Respondent Taylor's smog check inspector license is subject to discipline pursuant to  
7 Health & Saf. Code section 44072.2, subdivision (c), in that regarding Vehicles 1, 2, and 4  
8 through 7, identified in paragraphs 32 through 35, and 38 through 47, above, Respondent Taylor  
9 failed to comply with provisions of the CCR, as follows:

10 a. **CCR, section 3340.30, subdivision (a)**: Respondent Taylor failed to inspect  
11 and test Vehicles 1, 2, and 4 through 7 in accordance with Health & Saf. Code section 44012 and  
12 CCR section 3340.42.

13 b. **CCR, section 3340.41, subdivision (c)**: Respondent Taylor entered false  
14 information into the EIS by entering vehicle identification information for a vehicle other than the  
15 one being tested.

#### 16 **NINTH CAUSE FOR DISCIPLINE**

##### 17 **(Dishonesty, Fraud or Deceit)**

18 58. Respondent Taylor's smog check inspector license is subject to disciplinary action  
19 pursuant to Health & Saf. Code section 44072.2, subdivision (d), in conjunction with Health &  
20 Saf. Code section 44072.10, subdivision (c), in that Respondent Taylor committed dishonest,  
21 fraudulent, or deceitful acts whereby another was injured by issuing electronic smog certificates  
22 of compliance for Vehicles 1, 2, and 4 through 7, identified in paragraphs 32 through 35, and 38  
23 through 47, above, without performing bona fide inspections of the emission control devices and  
24 systems on those vehicles, thereby depriving the People of the State of California of the  
25 protection afforded by the Motor Vehicle Inspection Program.

#### 26 **TENTH CAUSE FOR DISCIPLINE**

##### 27 **(Violations of the Motor Vehicle Inspection Program)**

28 59. Respondent Singh's smog check inspector license and smog check repair technician

1 license are subject to disciplinary action pursuant to Health & Saf. Code section 44072.2,  
2 subdivision (a), in that Respondent Singh violated section 44032 of that Code. Specifically,  
3 Respondent Singh failed to perform the emission control tests on Vehicle 3, identified in  
4 paragraphs 36 and 37, above, in accordance with procedures prescribed by the department.

5 **ELEVENTH CAUSE FOR DISCIPLINE**

6 **(Failure to Comply with Regulations)**

7 60. Respondent Singh's smog check inspector license and smog check repair technician  
8 license are subject to discipline pursuant to Health & Saf. Code section 44072.2, subdivision (c),  
9 in that regarding Vehicle 3, identified in paragraphs 36 and 37, above, Respondent Singh failed to  
10 comply with provisions of the CCR, as follows:

11 a. **CCR, section 3340.30, subdivision (a)**: Respondent Singh failed to inspect  
12 and test Vehicle 3 in accordance with Health & Saf. Code section 44012 and CCR section  
13 3340.42.

14 b. **CCR, section 3340.41, subdivision (c)**: Respondent Singh entered false  
15 information into the EIS by entering vehicle identification information for a vehicle other than the  
16 one being tested.

17 **TWELFTH CAUSE FOR DISCIPLINE**

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

19 61. Respondent Singh's smog check inspector license and smog check repair technician  
20 license are subject to disciplinary action pursuant to Health & Saf. Code section 44072.2,  
21 subdivision (d), in conjunction with Health & Saf. Code section 44072.10, subdivision (c), in that  
22 Respondent Singh committed dishonest, fraudulent, or deceitful acts whereby another was injured  
23 by issuing electronic smog certificates of compliance for Vehicle 3, identified in paragraphs 36  
24 and 37, above, without performing bona fide inspections of the emission control devices and  
25 systems on those vehicles, thereby depriving the People of the State of California of the  
26 protection afforded by the Motor Vehicle Inspection Program.

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1 **THIRTEENTH CAUSE FOR DISCIPLINE**

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

3 62. Respondent Askari's smog check inspector license and smog check repair technician  
4 license are subject to disciplinary action pursuant to Health & Saf. Code section 44072.2,  
5 subdivision (a), in that Respondent Askari violated section 44032 of that Code. Specifically,  
6 Respondent Singh failed to perform the emission control tests on Vehicle 8, identified in  
7 paragraphs 48 and 49, above, in accordance with procedures prescribed by the department.

8 **FOURTEENTH CAUSE FOR DISCIPLINE**

9 **(Failure to Comply with Regulations)**

10 63. Respondent Askari's smog check inspector license and smog check repair technician  
11 license are subject to discipline pursuant to Health & Saf. Code section 44072.2, subdivision (c),  
12 in that regarding Vehicle 8, identified in paragraphs 48 and 49, above, Respondent Askari failed  
13 to comply with provisions of the CCR, as follows:

14 a. **CCR, section 3340.30, subdivision (a):** Respondent Askari failed to inspect  
15 and test Vehicle 8 in accordance with Health & Saf. Code section 44012 and CCR section  
16 3340.42.

17 b. **CCR, section 3340.41, subdivision (c):** Respondent Askari entered false  
18 information into the EIS by entering vehicle identification information for a vehicle other than the  
19 one being tested.

20 **FIFTEENTH CAUSE FOR DISCIPLINE**

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

22 64. Respondent Askari's smog check inspector license and smog check repair technician  
23 license are subject to disciplinary action pursuant to Health & Saf. Code section 44072.2,  
24 subdivision (d), in conjunction with Health & Saf. Code section 44072.10, subdivision (c), in that  
25 Respondent Askari committed dishonest, fraudulent, or deceitful acts whereby another was  
26 injured by issuing electronic smog certificates of compliance for Vehicle 8, identified in  
27 paragraphs 48 and 49, above, without performing bona fide inspections of the emission control  
28 devices and systems on those vehicles, thereby depriving the People of the State of California of

1 the protection afforded by the Motor Vehicle Inspection Program.

2 **OTHER MATTERS**

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

8 66. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Station License  
9 Number TC 305053, issued to Respondent Wizard, is revoked or suspended, any additional  
10 license issued under Chapter 5 of Part 5 of Division 26 of the Health & Saf. Code in the name of  
11 said licensee may be likewise revoked or suspended by the Director.

12 67. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Inspector License  
13 Number EO 644230, issued to Respondent Taylor, is revoked or suspended, any additional  
14 license issued under Chapter 5 of Part 5 of Division 26 of the Health & Safety Code in the name  
15 of said licensee may be likewise revoked or suspended by the Director.

16 68. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Inspector License  
17 Number EO 633638 and Smog Check Repair Technician License Number EI 633638, issued to  
18 Respondent Singh, is revoked or suspended, any additional license issued under Chapter 5 of Part  
19 5 of Division 26 of the Health & Safety Code in the name of said licensee may be likewise  
20 revoked or suspended by the Director.

21 69. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Inspector License  
22 Number EO 140578 and Smog Check Repair Technician License Number EI 140578, issued to  
23 Respondent Askari, is revoked or suspended, any additional license issued under Chapter 5 of  
24 Part 5 of Division 26 of the Health & Safety Code in the name of said licensee may be likewise  
25 revoked or suspended by the Director.

26 **PRAYER**

27 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
28 and that following the hearing, the Director of the Department of Consumer Affairs issue a

1 decision:

- 2 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD  
3 305053, issued to Smog Wizard with Yeshua Askari and Khadijeh Baratzadeh as Partners;
- 4 2. Revoking or suspending any other Automotive Repair Dealer Registration issued to  
5 Yeshua Askari and Khadijeh Baratzadeh;
- 6 3. Revoking or suspending Smog Check, Test-Only, Station License Number TC  
7 305053, issued to Smog Wizard with Yeshua Askari and Khadijeh Baratzadeh as Partners;
- 8 4. Revoking or suspending any other licenses issued under Chapter 5 of Part 5 of  
9 Division 26 of the Health & Saf. Code in the name of Yeshua Askari and Khadijeh Baratzadeh;
- 10 5. Revoking or suspending Smog Check Inspector License Number EO 644230, issued  
11 to Aaron Michael Taylor;
- 12 6. Revoking or suspending any other licenses issued under Chapter 5 of Part 5 of  
13 Division 26 of the Health & Saf. Code in the name of Aaron Michael Taylor;
- 14 7. Revoking or suspending Smog Check Inspector License Number EO 633638, issued  
15 to Sanjeev Singh;
- 16 8. Revoking or suspending Smog Check Repair Technician License Number EI 633638,  
17 issued to Sanjeev Singh;
- 18 9. Revoking or suspending any other licenses issued under Chapter 5 of Part 5 of  
19 Division 26 of the Health & Saf. Code in the name of Sanjeev Singh;
- 20 10. Revoking or suspending Smog Check Inspector License Number EO 140578, issued  
21 to Hirmand Askari;
- 22 11. Revoking or suspending Smog Check Repair Technician License Number EI 140578,  
23 issued to Hirmand Askari;
- 24 12. Revoking or suspending any other licenses issued under Chapter 5 of Part 5 of  
25 Division 26 of the Health & Saf. Code in the name of Hirmand Askari;
- 26 13. Ordering Smog Wizard, Aaron Michael Taylor, Sanjeev Singh and Hirmand Askari  
27 to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement  
28 of this case, pursuant to Business and Professions Code section 125.3; and,

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14. Taking such other and further action as deemed necessary and proper.

DATED: As of Digital Signature Date

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PATRICK DORAIS  
Chief  
Bureau of Automotive Repair  
Department of Consumer Affairs  
State of California  
*Complainant*

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