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

12 In the Matter of the Second Amended Accusation  
Against:

13 **EDDIE'S AUTO WORLD**  
14 **EDDIE HONARCHIAN, OWNER**  
15 **1585 N. Blackstone**  
**Fresno, CA 93703-3611**

16 **Automotive Repair Dealer Reg. No. ARD 186684**  
**Smog Check, Test-and-Repair, Station License No.**  
**RC 186684,**

17 **EDDIE'S AUTO WORLD**  
18 **EDDIE HONARCHIAN, OWNER**  
19 **4889 N. Blackstone**  
**Fresno, CA 93726**

20 **Automotive Repair Dealer Reg. No. ARD 259944**  
**Smog Check, Test-and-Repair, Station License No.**  
21 **RC 259944,**

22 **and**

23 **EDDIE HONARCHIAN**  
24 **1585 N. Blackstone Avenue**  
**Fresno, CA 93703**

25 **Advanced Emission Specialist Technician License**  
26 **No. EA 622792 (to be re-designated upon renewal as**  
**EO 622792 and/or EI 622792)**

27 Respondents.  
28

Case No. 79/13-43

OAH No. 2013030565

**SECOND AMENDED  
ACCUSATION**

**(Smog Check)**

1 Complainant alleges:

2 **PARTIES**

3 1. Patrick Dorais ("Complainant") brings this Second Amended Accusation solely in his  
4 official capacity as the Acting Chief of the Bureau of Automotive Repair ("Bureau"), Department  
5 of Consumer Affairs. This Second Amended Accusation replaces in its entirety First Amended  
6 Accusation No. 79/13-43 previously filed on January 28, 2013.

7 **Eddie's Auto World; Eddie Honarchian, Owner (Registration No. ARD 186684)**

8 2. On or about December 20, 1995, the Director of Consumer Affairs ("Director")  
9 issued Automotive Repair Dealer Registration Number ARD 186684 ("Registration No. ARD  
10 186684") to Eddie Honarchian ("Respondent"), owner of In & Out Smog & Automotive Repair.  
11 On or about July 30, 2013, Respondent's business name was changed to Eddie's Auto World.  
12 Respondent's automotive repair dealer registration was in full force and effect at all times relevant  
13 to the charges brought herein and will expire on December 31, 2013, unless renewed.

14 3. On or about December 17, 2008, the Director issued Smog Check, Test-and-Repair<sup>1</sup>,  
15 Station License Number RC 186684 ("smog check station license") to Respondent. Respondent's  
16 smog check station license was in full force and effect at all times relevant to the charges brought  
17 herein and will expire on December 31, 2013, unless renewed.

18 **Eddie's Auto World; Eddie Honarchian, Owner (Registration No. ARD 259944)**

19 4. On or about November 12, 2009, the Director issued Automotive Repair Dealer  
20 Registration Number ARD 259944 to Respondent, owner of Eddie's Auto World. Respondent's  
21 automotive repair dealer registration will expire on November 30, 2013, unless renewed.

22 5. On or about November 16, 2009, the Director issued Smog Check, Test-and-Repair,  
23 Station License Number RC 259944 ("smog check station license") to Respondent. Respondent's  
24 smog check station license will expire on November 30, 2013, unless renewed.

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26 \_\_\_\_\_  
27 <sup>1</sup> Test and repair stations are licensed by the state to provide smog check tests and repairs  
28 to most vehicles. Test and repair stations are prohibited from certifying repaired "gross polluters"  
or vehicles that have been directed to test only stations for inspection. Only test only stations and  
gold shield stations are able to certify repaired gross polluter vehicles.



1 licensee may apply to renew as a Smog Check Inspector, Smog Check Repair Technician, or  
2 both.

3 **STATUTORY AND REGULATORY PROVISIONS**

4 13. Bus. & Prof. Code section 9884.7 states, in pertinent part:

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

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

14 . . . .

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

17 (7) Any willful departure from or disregard of accepted trade standards  
18 for good and workmanlike repair in any material respect, which is prejudicial to  
19 another without consent of the owner or his or her duly authorized representative.

20 . . . .

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

26 14. Bus. & Prof. Code section 17200 states:

27 As used in this chapter, unfair competition shall mean and include any  
28 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.

15. Bus. & Prof. Code section 22, subdivision (a), states:

"Board" as used in any provision of this Code, refers to the board in  
which the administration of the provision is vested, and unless otherwise expressly  
provided, shall include "bureau," "commission," "committee," "department,"  
"division," "examining committee," "program," and "agency."

16. Bus. & Prof. Code section 477, subdivision (b), states, in pertinent part, that a  
"license" includes "registration" and "certificate."

1 17. Health & Saf. Code section 44072.2 states, in pertinent part:

2 The director may suspend, revoke, or take other disciplinary action  
3 against a license as provided in this article if the licensee, or any partner, officer, or  
4 director thereof, does any of the following:

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

8 . . . .

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

11 18. Regulation 3340.15, subdivision (h), states:

12 A licensed smog check station shall not sublet inspections or repairs  
13 required as part of the Smog Check Program, except for the following:

14 (1) Repairs of a vehicle's exhaust system which are normally performed  
15 by muffler shops, provided that the malfunction has been previously diagnosed by the  
16 specific smog check station originally authorized by the customer to perform repairs  
17 to the vehicle.

18 (2) Repairs of those individual components that have been previously  
19 diagnosed as being defective and that have been removed by the specific smog check  
20 station originally authorized by the customer to perform repairs to the vehicle.

21 (3) Repairs of diesel-powered vehicles provided the specific smog check  
22 station has obtained authorization from the customer to sublet repairs to the vehicle.

23 (4) Repairs to a vehicle's transmission provided the specific smog check  
24 station has obtained authorization from the customer to sublet repairs to the vehicle.

25 (5) Corrections to the vehicle's on-board computer systems' software  
26 provided that the malfunction has been previously diagnosed by the specific smog  
27 check station originally authorized by the customer to perform repairs to the vehicle.

28 19. Regulation 3372 states:

In determining whether any advertisement, statement, or representation is  
false or misleading, it shall be considered in its entirety as it would be read or heard  
by persons to whom it is designed to appeal. An advertisement, statement, or  
representation shall be considered to be false or misleading if it tends to deceive the  
public or impose upon credulous or ignorant persons.

20. Regulation 3371 states, in pertinent part:

No dealer shall publish, utter, or make or cause to be published, uttered,  
or made any false or misleading statement or advertisement which is known to be  
false or misleading, or which by the exercise of reasonable care should be known to  
be false or misleading . . .

1 **COST RECOVERY**

2 21. Bus. & Prof. Code section 125.3 provides, in pertinent part, that a Board may request  
3 the administrative law judge to direct a licentiate found to have committed a violation or  
4 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
5 and enforcement of the case.

6 **CONSUMER COMPLAINT (GREEN/LEWIS): 1996 TOYOTA CAMRY**

7 22. On or about February 19, 2010, Gwenda Lewis ("Lewis") took her 1996 Toyota  
8 Camry to Respondent's facility, In & Out Smog & Automotive Repair, for a smog inspection.  
9 The facility informed Lewis that the vehicle needed certain repairs in order to pass the inspection,  
10 which Lewis authorized.

11 23. On or about March 1, 2010, Lewis and Jessie Green ("Green") went to the facility to  
12 retrieve the vehicle and paid \$1,194.73 for the repairs. Later, when Lewis was driving the  
13 vehicle, she noticed that it was making various noises. Lewis contacted the facility and reported  
14 the problem to Respondent. Respondent told Lewis that he would have one of his mechanics look  
15 at the vehicle. A few days later, Respondent's mechanic met with Lewis at her home and  
16 inspected the vehicle. The mechanic told Lewis that the engine was "gone" and offered to repair  
17 the vehicle for an additional cost.

18 24. On or about July 15, 2010, Green filed a complaint with the Bureau on behalf of  
19 Lewis.

20 25. On or about July 23, 2010, a Bureau representative obtained information from the  
21 Bureau's Vehicle Information Database ("VID"), indicating that on February 22, 2010, Henry's  
22 Automotive, a test only facility<sup>3</sup> located in Fresno, California, had performed a smog inspection  
23 on the vehicle.

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26 <sup>3</sup> Test only facilities are licensed smog check stations that, by law, are only allowed to test  
27 vehicles; they cannot repair them. Any needed repairs must be performed at either a smog check  
28 station designated as a test and repair facility or a "gold shield" station.





1 **FIFTH CAUSE FOR DISCIPLINE**

2 **(Failure to Comply with Regulations Pursuant**  
3 **to the Motor Vehicle Inspection Program)**

4 36. Respondent's smog check station license is subject to disciplinary action pursuant to  
5 Health & Saf. Code section 44072.2, subdivision (c), in that Respondent failed to comply with  
6 provisions of California Code of Regulations, title 16, as follows:

7 a. **Section 3340.15, subdivision (h)**: Respondent sublet the smog inspection on Soto's  
8 1979 Chevrolet truck to Henry's Automotive.

9 b. **Section 3340.41, subdivision (d)**: Respondent failed to follow applicable  
10 specifications and procedures when repairing Soto's 1979 Chevrolet truck, as set forth in  
11 paragraph 33 above.

12 **CONSUMER COMPLAINT (MOYA): 1997 FORD F150 PICKUP**

13 37. On or about July 22, 2011, Joe Moya ("Moya") had Michel's Smog Check perform a  
14 smog inspection on his 1997 Ford F150 pickup. The vehicle failed the inspection for excessive  
15 NOx (Oxides of Nitrogen).

16 38. On or about July 25, 2011, Moya took the vehicle to In & Out Smog & Automotive  
17 Repair for emission-related repairs. The facility performed a diagnosis of the vehicle and  
18 informed Moya that it needed an EGR BPFE sensor and the monitors run to completion. Moya  
19 authorized the work. The facility charged Moya a total of \$317.76 for the repairs and a smog  
20 inspection and gave him copies of an invoice and VIR.

21 39. On or about July 26, 2011, Moya filed a complaint with the Bureau.

22 40. On or about August 3, 2011, Moya faxed the Bureau representative copies of the  
23 above invoice and VIR.

24 41. On or about August 4, 2011, the representative reviewed the VIR and found that it  
25 had been issued by Henry's Automotive. The representative obtained information from the  
26 Bureau's VID, showing that Henry's Automotive had performed a smog inspection on the vehicle  
27 on July 25, 2011. The representative went to In & Out Smog & Automotive Repair and met with

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1 Respondent. The representative told Respondent yet again that he could not sublet smog  
2 inspections to another smog check facility.

3 **SIXTH CAUSE FOR DISCIPLINE**

4 **(Failure to Comply with Regulations Pursuant**  
5 **to the Motor Vehicle Inspection Program)**

6 42. Respondent's smog check station license is subject to disciplinary action pursuant to  
7 Health & Saf. Code section 44072.2, subdivision (c), in that Respondent failed to comply with  
8 Regulation 3340.15, subdivision (h), by subletting the smog inspection on Moya's 1997 Ford  
9 F150 pickup to Henry's Smog.

10 **CONSUMER COMPLAINT (LAZAROTI): 2000 VOLKSWAGEN JETTA**

11 43. On or about April 19, 2012, Diane Lazaroti ("Lazaroti") took her 2000 Volkswagen  
12 Jetta to In & Out Smog & Automotive Repair for a diagnosis because the "check engine" light  
13 was illuminated. Lazaoriti was informed that the catalytic converter was defective and the  
14 vacuum lines needed to be re-routed. Lazaroti authorized the facility to repair the vehicle for  
15 \$523.96.

16 44. On or about April 20, 2012, Lazaroti went to the facility to retrieve the vehicle, paid  
17 \$523.96 for the repairs, and received a copy of Invoice #58963. When Lazaroti left the facility,  
18 she noticed that the vehicle was not operating correctly and the check engine light was on.

19 45. On or about April 25, 2012, Lazaroti took the vehicle back to the facility and  
20 authorized them to re-check it and perform a smog inspection for \$100. When Lazaroti returned  
21 to the facility to pick up the vehicle, she was informed by an employee that the total charges were  
22 \$160.88. Lazaroti told the employee that she only authorized \$100 for the work. The employee  
23 told Lazaroti that if she refused to pay the \$160.88, she would not "get the smog" (VIR). Lazaroti  
24 paid the employee \$100 in cash and took the VIR. The VIR indicated that on April 25, 2012,  
25 Super Smog, a test only facility located in Fresno, California, had performed a smog inspection  
26 on the vehicle.

27 46. On or about May 4, 2012, Lazaroti filed a complaint with the Bureau.

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1 station. The operator told Respondent's employee that he needed a smog inspection. The  
2 employee had the operator sign a written estimate in the amount of \$45 and gave him a copy.  
3 The operator left the facility. At approximately 1400 hours, the operator returned to the facility,  
4 paid \$45 for the inspection, and received copies of an invoice and VIR. The VIR indicated that  
5 Henry's Automotive had performed the inspection on the vehicle. That same day, the Bureau  
6 representative took photographs of Respondent's business signs. Respondent was still advertising  
7 the facility as a test only station.

8 **NINTH CAUSE FOR DISCIPLINE**

9 **(Untrue or Misleading Statements)**

10 53. Respondent's Registration No. ARD 186684 is subject to disciplinary action pursuant  
11 to Bus. & Prof. Code section 9884.7, subdivision (a)(1), in that Respondent made or authorized a  
12 statement which he knew or in the exercise of reasonable care should have known to be untrue or  
13 misleading, as follows: Respondent represented on the invoice that his facility, In & Out Smog &  
14 Automotive Repair, had performed the smog inspection on the Bureau's 2002 Ford Mustang. In  
15 fact, Respondent unlawfully sublet the smog inspection on the vehicle to Henry's Automotive,  
16 without the knowledge or consent of the undercover operator.

17 **TENTH CAUSE FOR DISCIPLINE**

18 **(Failure to Comply with Regulations Pursuant**  
19 **to the Motor Vehicle Inspection Program)**

20 54. Respondent's smog check station license is subject to disciplinary action pursuant to  
21 Health & Saf. Code section 44072.2, subdivision (c), in that Respondent failed to comply with  
22 Regulation 3340.15, subdivision (h), by subletting the smog inspection on the Bureau's 2002 Ford  
23 Mustang to Henry's Automotive. As a consequence thereof, Respondent gained an unfair  
24 advantage over other competitors (test and repair stations and test only facilities).

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1 **ELEVENTH CAUSE FOR DISCIPLINE**

2 **(False Advertising)**

3 55. Respondent's Registration No. ARD 186684 is subject to disciplinary action pursuant  
4 to Bus. & Prof. Code section 9884.7, subdivision (a)(6), in that Respondent failed to comply with  
5 Regulation 3371 by publishing, uttering, or making or causing to be published, uttered, or made  
6 false or misleading statements or advertising which Respondent knew or in the exercise of  
7 reasonable care should have known to be false or misleading, as follows: Respondent falsely  
8 represented on his business signs that In & Out Smog & Automotive Repair was a test only  
9 station when, in fact, the facility is licensed as a test and repair station. As a consequence thereof,  
10 Respondent gained an unfair advantage over other competitors (test and repair stations and test  
11 only facilities).

12 **UNDERCOVER OPERATION #2: 2000 TOYOTA SOLARA**

13 56. On or about May 7, 2012, an undercover operator with the Bureau ("operator") took  
14 the Bureau's 2000 Toyota Solara to In & Out Smog & Automotive Repair. The vehicle was  
15 designated as a directed vehicle and could only be smog tested at a test only facility or gold shield  
16 station. The operator told Respondent's employee that he needed a smog inspection. The  
17 employee had the operator sign a written estimate in the amount of \$45 and gave him a copy.  
18 The operator left the facility. At approximately 1145 hours, the operator returned to the facility,  
19 paid \$45 for the inspection, and received copies of an invoice and VIR. The VIR indicated that  
20 Henry's Automotive had performed the inspection on the vehicle. That same day, the Bureau  
21 representative took photographs of Respondent's business signs. Respondent was still advertising  
22 the facility as a test only station.

23 **TWELFTH CAUSE FOR DISCIPLINE**

24 **(Untrue or Misleading Statements)**

25 57. Respondent's Registration No. ARD 186684 is subject to disciplinary action pursuant  
26 to Bus. & Prof. Code section 9884.7, subdivision (a)(1), in that Respondent made or authorized a  
27 statement which he knew or in the exercise of reasonable care should have known to be untrue or  
28 misleading, as follows: Respondent represented on the invoice that his facility, In & Out Smog &

1 Automotive Repair, had performed the smog inspection on the Bureau's 2000 Toyota Solara. In  
2 fact, Respondent unlawfully sublet the smog inspection on the vehicle to Henry's Automotive,  
3 without the knowledge or consent of the undercover operator.

4 **THIRTEENTH CAUSE FOR DISCIPLINE**

5 **(Failure to Comply with Regulations Pursuant**  
6 **to the Motor Vehicle Inspection Program)**

7 58. Respondent's smog check station license is subject to disciplinary action pursuant to  
8 Health & Saf. Code section 44072.2, subdivision (c), in that Respondent failed to comply with  
9 Regulation 3340.15, subdivision (h), by subletting the smog inspection on the Bureau's 2000  
10 Toyota Solara to Henry's Automotive. As a consequence thereof, Respondent gained an unfair  
11 advantage over other competitors (test and repair stations and test only facilities).

12 **FOURTEENTH CAUSE FOR DISCIPLINE**

13 **(False Advertising)**

14 59. Respondent's Registration No. ARD 186684 is subject to disciplinary action pursuant  
15 to Bus. & Prof. Code section 9884.7, subdivision (a)(6), in that Respondent failed to comply with  
16 Regulation 3371 by publishing, uttering, or making or causing to be published, uttered, or made  
17 false or misleading statements or advertising which Respondent knew or in the exercise of  
18 reasonable care should have known to be false or misleading, as follows: Respondent falsely  
19 represented on his business signs that In & Out Smog & Automotive Repair was a test only  
20 station when, in fact, the facility is licensed as a test and repair station. As a consequence thereof,  
21 Respondent gained an unfair advantage over other competitors (test and repair stations and test  
22 only facilities).

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1 **OTHER MATTERS**

2 60. Pursuant to Bus. & Prof. Code section 9884.7, subdivision (c), the Director may  
3 suspend, revoke, or place on probation the registration for all places of business operated in this  
4 state by Respondent Eddie Honarchian, owner of Eddie's Auto World, including, but not limited  
5 to, Automotive Repair Dealer Registration Number ARD 259944, upon a finding that Respondent  
6 has, or is, engaged in a course of repeated and willful violations of the laws and regulations  
7 pertaining to an automotive repair dealer.

8 61. Pursuant to Health & Saf. Code section 44072.8, if Smog Check, Test-and-Repair,  
9 Station License Number RC 186684, issued to Respondent Eddie Honarchian, owner of Eddie's  
10 Auto World, is revoked or suspended, any additional license issued under this chapter in the name  
11 of said licensee, including, but not limited to, Respondent's Smog Check, Test-and-Repair,  
12 Station License Number RC 259944 and technician license, currently designated as EA 622792,  
13 but upon renewal will be re-designated as EO 622792 and/or EI 622792, may be likewise revoked  
14 or suspended by the Director.

15 **PRAYER**

16 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
17 and that following the hearing, the Director of Consumer Affairs issue a decision:

18 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD  
19 186684, issued to Eddie Honarchian, owner of Eddie's Auto World;

20 2. Revoking or suspending any other automotive repair dealer registration issued to  
21 Eddie Honarchian, including, but not limited to, Automotive Repair Dealer Registration Number  
22 ARD 259944;

23 3. Revoking or suspending Smog Check, Test-and-Repair, Station License Number RC  
24 186684, issued to Eddie Honarchian, owner of Eddie's Auto World;

25 4. Revoking or suspending any additional license issued under Chapter 5 of the Health  
26 and Safety Code in the name of Eddie Honarchian, including, but not limited to, Respondent's  
27 Smog Check, Test-and-Repair, Station License Number RC 259944 and technician license,

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1 currently designated as EA 622792, but which, upon renewal, will be re-designated as EO 622792  
2 and/or EI 622792;

3 5. Ordering Eddie Honarchian, owner of Eddie's Auto World, to pay the Director of  
4 Consumer Affairs the reasonable costs of the investigation and enforcement of this case, pursuant  
5 to Business and Professions Code section 125.3;

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

7  
8 DATED: 10/3/13 Patrick Dorais

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

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