

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

In the Matter of the Accusation Against:

**SOUTH JAPANESE MOTORS**  
**GHODRAT SOLTANI, OWNER**  
6780 Franklin Boulevard  
Sacramento, CA 95823

Automotive Repair Dealer Registration  
No. ARD 228765  
Smog Check Station License No.  
RC 228765

Case No. 77/15-63

OAH No. 2015090310

Respondent.

**DECISION**

The attached Stipulated Settlement and Disciplinary Order is hereby accepted and adopted as the Decision of the Director of the Department of Consumer Affairs in the above-entitled matter.

The suspension of Automotive Repair Dealer Registration No. ARD 228765 and Smog Check Station License No. RC 228765, issued to Respondent Ghodrat Soltani, shall commence on the effective date of this decision.

This Decision shall become effective May 10, 2016.

DATED: April 10, 2016

  
\_\_\_\_\_  
TAMARA COLSON  
Assistant General Counsel  
Department of Consumer Affairs

1 KAMALA D. HARRIS  
Attorney General of California  
2 JANICE K. LACHMAN  
Supervising Deputy Attorney General  
3 KRISTINA T. JARVIS  
Deputy Attorney General  
4 State Bar No. 258229  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 324-5403  
Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

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 Accusation Against:  
13 **SOUTH JAPANESE MOTORS**  
14 **GHODRAT SOLTANI, OWNER**  
6780 Franklin Boulevard  
Sacramento, CA 95823  
15 **Automotive Repair Dealer Registration No.**  
16 **ARD 228765**  
**Smog Check Station License No. RC 228765**  
17 Respondent.

Case No. 77/15-63  
OAH No. 2015090310  
**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

18  
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Patrick Dorais ("Complainant") is the Chief of the Bureau of Automotive Repair. He  
23 brought this action solely in his official capacity and is represented in this matter by Kamala D.  
24 Harris, Attorney General of the State of California, by Kristina T. Jarvis, Deputy Attorney  
25 General.

26 2. On or about July 18, 2003, the Bureau issued Automotive Repair Dealer Registration  
27 Number ARD 228765 ("Registration") to Ghodrat Soltani, owner of South Japanese Motors

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1 ("Respondent"). The Registration was in full force and effect at all times relevant to the charges  
2 brought herein and will expire on July 31, 2016, unless renewed.

3 3. On or about April 14, 2004, the Bureau issued Smog Check Station License Number  
4 RC 228765 ("Station License") to Respondent. The Station License was in full force and effect at  
5 all times relevant to the charges brought herein and will expire on July 31, 2016, unless renewed.

6 4. Respondent is represented in this proceeding by attorney Jonathan C. Turner, Esq.,  
7 whose address is: 1007 Seventh Street, Suite 304, Sacramento, CA 95814.

8 **JURISDICTION**

9 5. Accusation No. 77/15-63 was filed before the Director of Consumer Affairs  
10 (Director), for the Bureau of Automotive Repair (Bureau), and is currently pending against  
11 Respondent. The Accusation and all other statutorily required documents were properly served  
12 on Respondent on June 19, 2015. Respondent timely filed his Notice of Defense contesting the  
13 Accusation.

14 6. A copy of Accusation No. 77/15-63 is attached as exhibit A and incorporated herein  
15 by reference.

16 **ADVISEMENT AND WAIVERS**

17 7. Respondent has carefully read, fully discussed with counsel, and understands the  
18 charges and allegations in Accusation No. 77/15-63. Respondent has also carefully read, fully  
19 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary  
20 Order.

21 8. Respondent is fully aware of his legal rights in this matter, including the right to a  
22 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at  
23 his own expense; the right to confront and cross-examine the witnesses against him; the right to  
24 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel  
25 the attendance of witnesses and the production of documents; the right to reconsideration and  
26 court review of an adverse decision; and all other rights accorded by the California  
27 Administrative Procedure Act and other applicable laws.

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1 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
2 writing executed by an authorized representative of each of the parties.

3 15. In consideration of the foregoing admissions and stipulations, the parties agree that  
4 the Director may, without further notice or formal proceeding, issue and enter the following  
5 Disciplinary Order:

6 **DISCIPLINARY ORDER**

7 IT IS HEREBY ORDERED that Automotive Repair Dealer Registration No. ARD 228765  
8 and Smog Check Station No. RC 228765 issued to Respondent South Japanese Motors; Ghodrat  
9 Soltani, Owner is revoked. However, the revocation is stayed and Respondent is placed on  
10 probation for three (3) years on the following terms and conditions.

11 1. **Actual Suspension.** Automotive Repair Dealer Registration No. ARD 228765 and  
12 Smog Check Station License No. RC 228765 issued to Respondent Ghodrat Soltani are  
13 suspended for fourteen (14) days.

14 2. **Obey All Laws.** Comply with all statutes, regulations and rules governing  
15 automotive inspections, estimates and repairs.

16 3. **Post Sign.** Post a prominent sign, provided by the Bureau, indicating the beginning  
17 and ending dates of the suspension and indicating the reason for the suspension. The sign shall be  
18 conspicuously displayed in a location open to and frequented by customers and shall remain  
19 posted during the entire period of actual suspension.

20 4. **Reporting.** Respondent or Respondent's authorized representative must report in  
21 person or in writing as prescribed by the Bureau of Automotive Repair, on a schedule set by the  
22 Bureau, but no more frequently than each quarter, on the methods used and success achieved in  
23 maintaining compliance with the terms and conditions of probation.

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1 License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly,  
2 and intelligently, and agree to be bound by the Decision and Order of the Director of Consumer  
3 Affairs.

4 DATED: 3/9/2016

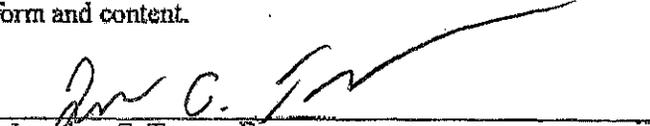


SOUTH JAPANESE MOTORS;  
GHODRAT SOLTANI, OWNER  
Respondent

7 **APPROVAL AS TO FORM AND CONTENT**

8 I have read and fully discussed with Respondent South Japanese Motors; Ghodrat Soltani,  
9 Owner the terms and conditions and other matters contained in the above Stipulated Settlement  
10 and Disciplinary Order. I approve its form and content.

11 DATED: 3-9-16



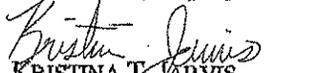
Jonathan C. Turner, Esq.  
Attorney for Respondent

14 **ENDORSEMENT**

15 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
16 submitted for consideration by the Director of Consumer Affairs.

17 Dated: March 9, 2016

Respectfully submitted,  
KAMALA D. HARRIS  
Attorney General of California  
JANICE K. LACHMAN  
Supervising Deputy Attorney General



KRISTINA T. JARVIS  
Deputy Attorney General  
Attorneys for Complainant

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**Exhibit A**

**Accusation No. 77/15-63**

1 KAMALA D. HARRIS  
Attorney General of California  
2 JANICE K. LACHMAN  
Supervising Deputy Attorney General  
3 KRISTINA T. JARVIS  
Deputy Attorney General  
4 State Bar No. 258229  
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6780 Franklin Boulevard  
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**A C C U S A T I O N**

15 **Automotive Repair Dealer Registration**  
16 **No. ARD 228765**  
**Smog Check Station License No. RC 228765**

17 Respondent.

18  
19 Patrick Dorais ("Complainant") alleges:

20 **PARTIES**

21 1. Complainant brings this Accusation solely in his official capacity as the Chief of the  
22 Bureau of Automotive Repair ("Bureau"), Department of Consumer Affairs.

23 **Automotive Repair Dealer Registration**

24 2. On or about July 18, 2003, the Bureau issued Automotive Repair Dealer Registration  
25 Number ARD 228765 (the "Registration") to Ghodrat Soltani, owner of South Japanese Motors  
26 ("Respondent"). The Registration was in full force and effect at all times relevant to the charges  
27 brought herein and will expire on July 31, 2016, unless renewed.

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1 reconditioned parts, that invoice shall clearly state that fact. The invoice shall include  
2 a statement indicating whether any crash parts are original equipment manufacturer  
3 crash parts or nonoriginal equipment manufacturer aftermarket crash parts. One copy  
of the invoice shall be given to the customer and one copy shall be retained by the  
automotive repair dealer.

4 6. Code section 118(b) states:

5 The suspension, expiration, or forfeiture by operation of law of a license issued  
6 by a board in the department, or its suspension, forfeiture, or cancellation by order of  
7 the board or by order of a court of law, or its surrender without the written consent of  
8 the board, shall not, during any period in which it may be renewed, restored, reissued,  
or reinstated, deprive the board of its authority to institute or continue a disciplinary  
proceeding against the licensee upon any ground provided by law or to enter an order  
suspending or revoking the license or otherwise taking disciplinary action against the  
licensee on any such ground.

9  
10 7. Code section 9884.13 provides, in pertinent part, that the expiration of a valid  
11 registration shall not deprive the director or chief of jurisdiction to proceed with a disciplinary  
12 proceeding against an automotive repair dealer or to render a decision invalidating a registration  
13 temporarily or permanently.

14 8. Code section 22 provides, in pertinent part, that "Board" as used in any provision of  
15 this Code, refers to the board in which the administration of the provision is vested, and unless  
16 otherwise provided, shall include "bureau," "commission," "committee," "department,"  
17 "division," "examining committee," "program," and "agency."

18 9. Code section 477 provides, in pertinent part, that "License" includes certificate,  
19 registration or other means to engage in a business or profession regulated by the Code.

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

23 11. Health & Saf. Code section 44072.2 states, in pertinent part:

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

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

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1 for ease of accessibility, and there is no need to remove the intake air plenum to access and  
2 replace the MAP sensor. The Bureau representative determined that Respondent replaced the  
3 MAP sensor but did not remove and replace the intake air plenum, as invoiced.

4 **FIRST CAUSE FOR DISCIPLINE**

5 (Untrue or Misleading Statements)

6 17. Respondent's Registration is subject to discipline under Code section 9884.7(a)(1), in  
7 that, as regards the Bureau's 2001 Mitsubishi, Respondent made or allowed statements on his  
8 behalf which he knew or which by exercise of reasonable care should have known to be untrue or  
9 misleading, as follows:

10 a. On or about March 17, 2014, Respondent falsely represented to a Bureau operator  
11 that the intake manifold had to be removed to replace the MAP sensor when, in fact, it did not  
12 need to be removed.

13 b. On or about March 18, 2014, Respondent's employee falsely represented to a Bureau  
14 operator that the intake air plenum had been removed when, in fact, it had not been.

15 c. On or about March 18, 2014, Respondent falsely represented to the Bureau operator  
16 on Invoice No. [REDACTED] that the intake air plenum had been removed when, in fact, it had not been.

17 **SECOND CAUSE FOR DISCIPLINE**

18 (Fraudulent Acts)

19 18. Respondent's Registration is subject to discipline under Code section 9884.7(a)(4), in  
20 that, as regards the Bureau's 2001 Mitsubishi, Respondent committed acts that constitute fraud,  
21 by making false or misleading statements to the Bureau operator in order to induce the operator to  
22 authorize unnecessary repairs on the vehicle, and then sold the operator the unnecessary repairs as  
23 set forth in paragraphs 14 through 17, above.

24 **THIRD CAUSE FOR DISCIPLINE**

25 (Failure to Comply with the Automotive Repair Act)

26 19. Respondent's Registration is subject to discipline under Code section 9884.7(a)(6), in  
27 that, as regards the Bureau's 2001 Mitsubishi, Respondent failed to materially comply with Code  
28 Section 9884.8 by failing to charge the applicable sales tax on Invoice No. [REDACTED].

1 UNDERCOVER OPERATION – JUNE 3-4, 2014

2 20. On or about June 3, 2014, a Bureau undercover operator using an alias (the  
3 “operator”) took a Bureau-documented 1999 Pontiac to Respondent’s facility and told  
4 Respondent’s employee, “Jim” that the vehicle’s check engine light was on and the engine ran  
5 rough. Jim recommended a diagnostic check for \$88 and to test drive the vehicle for \$44, a total  
6 of \$132. The operator left the facility and, some time later, Jim told the operator over the  
7 telephone that the spark plugs were fifteen years old and needed replacement and three fuel  
8 injectors needed replacement. Jim stated that the repairs would cost \$828.21 and that the repairs  
9 were needed to fix the check engine light. The operator authorized the repairs.

10 21. The operator retrieved the 1999 Pontiac the following day. Respondent provided the  
11 operator with Invoice [REDACTED], totaling \$828.21, which the operator paid. Respondent charged  
12 8.5% sales tax, when the applicable sales tax rate in effect for the location of Respondent’s  
13 facility was 8.0%.

14 22. On or about June 20, 2014, a Bureau representative inspected the 1999 Pontiac using  
15 Respondent’s Invoice [REDACTED] for comparison. The Bureau representative determined that  
16 Respondent replaced three fuel injectors and the spark plugs on the 1999 Pontiac, when the only  
17 repair needed was replacement of the #3 fuel injector.

18 FOURTH CAUSE FOR DISCIPLINE

19 (Untrue or Misleading Statements)

20 23. Respondent’s Registration is subject to discipline under Code section 9884.7(a)(1), in  
21 that, as regards the 1999 Pontiac, on or about June 3, 2014, Respondent made or allowed  
22 statements on his behalf which he knew or which by exercise of reasonable care should have  
23 known to be untrue or misleading. Specifically, Respondent’s employee falsely represented to a  
24 Bureau operator that six spark plugs and three fuel injectors needed replacement when, in fact, the  
25 only repair necessary was the replacement of one fuel injector.

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1 **FIFTH CAUSE FOR DISCIPLINE**

2 (Fraudulent Acts)

3 24. Respondent's Registration is subject to discipline under Code section 9884.7(a)(4), in  
4 that, as regards the Bureau's 1999 Pontiac, Respondent committed acts that constitute fraud, by  
5 making false or misleading statements to the Bureau operator in order to induce the operator to  
6 authorize unnecessary repairs on the vehicle, and then sold the operator the unnecessary repairs as  
7 set forth in paragraphs 20 through 23, above.

8 **SIXTH CAUSE FOR DISCIPLINE**

9 (Failure to Comply with the Automotive Repair Act)

10 25. Respondent's Registration is subject to discipline under Code section 9884.7(a)(6), in  
11 that, as regards the Bureau's 1999 Pontiac, Respondent failed to materially comply with Code  
12 Section 9884.8 by failing to charge the applicable sales tax on Invoice [REDACTED].

13 **UNDERCOVER OPERATION – JUNE 11-12, 2014**

14 26. On or about June 11, 2014, a Bureau representative caused a Bureau-documented  
15 1999 Chevrolet to be towed to Respondent's facility. The vehicle was accompanied by a Bureau  
16 undercover operator using an alias (the "operator"). The operator told Respondent's employee,  
17 "Rafael", that the vehicle would not start. Rafael recommended a diagnostic check for \$88. Later  
18 that day Rafael spoke to the operator on the telephone, informing the operator that a new fuel  
19 pump would correct the problem. Rafael said the cost of repairs would be \$842.13. The operator  
20 authorized the repairs.

21 27. The operator retrieved the 1999 Chevrolet the following day. Rafael stated that the  
22 fuel pump had been replaced and the vehicle should start. Respondent provided the operator with  
23 Invoice [REDACTED] totaling \$969.73, which charged parts and labor for removal and replacement  
24 of the fuel filter and fuel pump on the vehicle. The operator paid Respondent \$969.73.

25 28. On or about June 18, 2014, a Bureau representative inspected the 1999 Chevrolet  
26 using Respondent's Invoice [REDACTED] for comparison. The only repair necessary was removal  
27 and replacement of the defective fuel pump relay. The Bureau representative determined that  
28

1 Respondent replaced the fuel pump relay, as well as the fuel pump assembly, fuel filter and  
2 daytime running lights relay.

3 **SEVENTH CAUSE FOR DISCIPLINE**

4 (Untrue or Misleading Statements)

5 29. Respondent's Registration is subject to disciplinary action under Code section  
6 9884.7(a)(1), in that, as regards the 1999 Chevrolet, Respondent made or allowed statements on  
7 his behalf which he knew or which by exercise of reasonable care should have known to be  
8 untrue or misleading. Specifically, on or about June 11, 2014 and June 12, 2014, Respondent's  
9 employee falsely represented to a Bureau operator that the fuel pump needed replacement and its  
10 replacement would, and did, fix the vehicle when, in fact, the only repair needed was removal and  
11 replacement of the fuel pump relay.

12 **EIGHTH CAUSE FOR DISCIPLINE**

13 (Fraudulent Acts)

14 30. Respondent's Registration is subject to disciplinary action under Code section  
15 9884.7(a)(4), in that, as regards the Bureau's 1999 Chevrolet, Respondent committed acts that  
16 constitute fraud, by making false or misleading statements to the Bureau operator in order to  
17 induce the operator to authorize unnecessary repairs on the vehicle, and then sold the operator the  
18 unnecessary repairs, as set forth in paragraphs 26 through 29, above.

19 **NINTH CAUSE FOR DISCIPLINE**

20 (Failure to Comply with the Automotive Repair Act)

21 31. Respondent's Registration is subject to disciplinary action under Code section  
22 9884.7(a)(6), in that, as regards the Bureau's 1999 Chevrolet, Respondent failed to materially  
23 comply with Code Section 9884.8, as follows:

- 24 a. Respondent failed to charge the applicable sales tax on Invoice [REDACTED].  
25 b. Respondent failed to describe on Invoice [REDACTED] all work done on the vehicle.

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1 **TENTH CAUSE FOR DISCIPLINE**

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

3 32. Respondent's Station License is subject to disciplinary action under Health & Saf.  
4 Code section 44072.2(d), in that Respondent committed acts involving dishonesty, fraud, or  
5 deceit whereby another is injured, as set forth in paragraphs 18, 24, and 30, above.

6 **MATTERS IN AGGRAVATION**

7 33. To determine the degree of discipline, if any, to be imposed on Respondent,  
8 Complainant alleges that on or about April 6, 2011, the Bureau issued Citation No. C2011-1138  
9 against Respondent for violation of Health & Safety Code section 44012(f) (failure to determine  
10 that emission control devices and systems required by State and Federal law are installed and  
11 functioning correctly in accordance with test procedures) and California Code of Regulations,  
12 title 16, section 3340.35(c) (issuing a certificate of compliance to a vehicle that was improperly  
13 tested). On March 8, 2011, Respondent issued a certificate of compliance to a Bureau undercover  
14 vehicle with a missing positive crankcase ventilation (PCV) system. The Bureau assessed civil  
15 penalties totaling \$1,000 against Respondent for the violations. Respondent paid the fine on  
16 May 18, 2011.

17 **OTHER MATTERS**

18 34. Pursuant to Code section 9884.7(c), the Director may suspend, revoke, or place on  
19 probation the registration for all places of business operated in this state by Respondent Ghodrat  
20 Soltani, doing business as South Japanese Motors, upon a finding that Respondent has, or is,  
21 engaged in a course of repeated and willful violations of the laws and regulations pertaining to an  
22 automotive repair dealer.

23 35. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Station License  
24 Number RC 228765, issued to Ghodrat Soltani, doing business as South Japanese Motors, is  
25 revoked or suspended, any additional license issued under this chapter in the name of said  
26 licensee may be likewise revoked or suspended by the director.

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1 PRAYER

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

- 4 1. Revoking or suspending Automotive Repair Dealer Registration Number  
5 ARD 228765, issued to Ghodrat Soltani, doing business as South Japanese Motors;
- 6 2. Revoking or suspending any other automotive repair dealer registration issued to  
7 Ghodrat Soltani, doing business as South Japanese Motors;
- 8 3. Revoking or suspending Smog Check Station License Number RC 228765, issued to  
9 Ghodrat Soltani, doing business as South Japanese Motors;
- 10 4. Revoking or suspending any additional license issued under Chapter 5 of the Health  
11 and Safety Code in the name of Ghodrat Soltani;
- 12 5. Ordering Ghodrat Soltani to pay the Director of Consumer Affairs the reasonable  
13 costs of the investigation and enforcement of this case, pursuant to Business and Professions  
14 Code section 125.3; and,
- 15 6. Taking such other and further action as deemed necessary and proper.

16  
17 DATED: June 11, 2015

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