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8  
9 **BEFORE THE**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
10 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**  
11 **STATE OF CALIFORNIA**  
12

13 In the Matter of the Accusation Against:

Case No. 77/21-4511

14 **SMOG MART, INC.**  
15 **NAVEED M. AKHTAR, PRES./SECT./TREAS.**  
7070 Stockton Blvd.  
Sacramento, CA 95823

**ACCUSATION**

16 **Automotive Repair Dealer Registration**  
17 **No. ARD 272665**  
18 **Smog Check Station License No. RC 272665**  
19 **Brake Station License No. BS 272665,**  
20 **Lamp Station License No. LS 272665**

Respondent.

21 **PARTIES**

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

24 **Automotive Repair Dealer Registration**

25 2. On or about April 25, 2013, the Bureau issued Automotive Repair Dealer Registration  
26 Number ARD 272665 (registration) to Smog Mart, Inc. (Respondent), with Naveed M. Akhtar as  
27 its president, secretary, and treasurer. The Automotive Repair Dealer Registration was in full

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1 force and effect at all times relevant to the charges brought herein and will expire on May 30,  
2 2023, unless renewed.

3 **Smog Check Station License**

4 3. On or about June 12, 2013, the Bureau issued Smog Check Station License Number  
5 RC 272665 to Respondent. The Smog Check Station License was in full force and effect at all  
6 times relevant to the charges brought herein and will expire on April 30, 2023, unless renewed.

7 **Brake Station License**

8 4. On or about November 4, 2016, the Bureau issued Brake Station License Number  
9 BS 272665, class A, to Respondent. The Brake Station License was in full force and effect at all  
10 times relevant to the charges brought herein and will expire on April 30, 2023, unless renewed.

11 **Lamp Station License**

12 5. On or about June 12, 2013, the Bureau issued Lamp Station License Number LS  
13 272665, Class A, to Respondent. The Lamp Station License was in full force and effect at all  
14 times relevant to the charges brought herein and will expire on April 30, 2023, unless renewed.

15 **JURISDICTION**

16 6. This Accusation is brought before the Bureau under the authority of the following  
17 laws. All section references are to the Business and Professions Code (Code) unless otherwise  
18 indicated.

19 7. Code section 9884.7 provides, in pertinent part, that the Director may revoke an  
20 automotive repair dealer registration.

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

25 9. Code section 118, subdivision (b), states:

26 The suspension, expiration, or forfeiture by operation of law of a license  
27 issued by a board in the department, or its suspension, forfeiture, or cancellation  
28 by order of the board or by order of a court of law, or its surrender without the  
written consent of the board, shall not, during any period in which it may be  
renewed, restored, reissued, or reinstated, deprive the board of its authority to

1 institute or continue a disciplinary proceeding against the licensee upon any  
2 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.

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

7 11. Code section 9889.1 provides, in pertinent part, that the Director may suspend or  
8 revoke any license issued under Articles 5 and 6 (commencing with section 9887.1) of the  
9 Automotive Repair Act.

10 12. Code section 9889.7 states, "The expiration or suspension of a license by operation  
11 of law or by order or decision of the director or a court of law, or the voluntary surrender of a  
12 license by a licensee shall not deprive the director of jurisdiction to proceed with any  
13 investigation of or action or disciplinary proceedings against such licensee, or to render a decision  
14 suspending or revoking such license."

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

18 14. Health & Saf. Code section 44072.6 states, "The expiration or suspension of a license  
19 by operation of law or by order or decision of the director or a court of law, or the voluntary  
20 surrender of a license by a licensee shall not deprive the director of jurisdiction to proceed with  
21 any investigation of, or action or disciplinary proceedings against, the licensee, or to render a  
22 decision suspending or revoking the license."

23 15. Health & Saf. Code section 44072.8 states, "When a license has been revoked or  
24 suspended following a hearing under this article, any additional license issued under this chapter  
25 in the name of the licensee may be likewise revoked or suspended by the director."

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## **STATUTORY AND REGULATORY PROVISIONS**

16. 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.

...

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

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

...

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

(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.

17. Code section 9884.8 states:

All work done by an automotive repair dealer, including all warranty work, shall be recorded on an invoice and shall describe all service work done and parts supplied. Service work and parts shall be listed separately on the invoice, which shall also state separately the subtotal prices for service work and for parts, not including sales tax, and shall state separately the sales tax, if any, applicable to each. If any used, rebuilt, or reconditioned parts are supplied, the invoice shall clearly state that fact. If a part of a component system is composed of new and used, rebuilt or reconditioned parts, that invoice shall clearly state that fact. The invoice shall include a statement indicating whether any crash parts are original equipment manufacturer 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.

18. Code section 9884.9 states, in pertinent part:

(a) The automotive repair dealer shall give to the customer a written estimated price for labor and parts necessary for a specific job, except as provided in subdivision (e). No work shall be done and no charges shall accrue before authorization to proceed is obtained from the customer. No charge shall be made for work done or parts supplied in excess of the estimated price, or the posted price specified in subdivision (e), without the oral or written consent of the customer that shall be obtained at some time after it is determined that the estimated or posted price is insufficient and before the work not estimated or posted is done or the parts not estimated or posted are supplied. Written consent or authorization for an increase in the original estimated or posted price may be provided by electronic mail or facsimile transmission from the customer. The bureau may specify in regulation the procedures to be followed by an automotive repair dealer if an authorization or consent for an increase in the original estimated price is provided by electronic mail or facsimile transmission. If that consent is oral, the dealer shall make a notation on the work order of the date, time, name of person authorizing the additional repairs, and telephone number called, if any, together with a specification of the additional parts and labor and the total additional cost, and shall do either of the following:

(1) Make a notation on the invoice of the same facts set forth in the notation on the work order.

(2) Upon completion of the repairs, obtain the customer's signature or initials to an acknowledgment of notice and consent, if there is an oral consent of the customer to additional repairs, in the following language:

I acknowledge notice and oral approval of an increase in the original estimated price.

(signature or initials)

Nothing in this section shall be construed as requiring an automotive repair dealer to give a written estimated price if the dealer does not agree to perform the requested repair. . . .

19. Code section 9889.3 states, in pertinent part:

The director may suspend, revoke, or take other disciplinary action against a license as provided in this article [Article 7 (commencing with section 9889.1) of the Automotive Repair Act] if the licensee or any partner, officer, or director thereof:

. . .

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

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

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:

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

### 3 **REGULATIONS**

4 21. California Code of Regulations, title 16, section 3353.1, subdivision (c), states:

5 If the customer provides an oral authorization, the automotive repair dealer  
6 shall record the authorization by documenting on the estimate the date, time, name  
7 of the person authorizing the repairs, and the telephone number called, if any, or  
8 produce this information on documents relating to the authorization that  
9 supplement the estimate.

### 10 **COST RECOVERY**

11 22. Code section 125.3 provides, in pertinent part, that the Bureau may request the  
12 administrative law judge to direct a licentiate found to have committed a violation or violations of  
13 the licensing act to pay a sum not to exceed the reasonable costs of investigation and enforcement  
14 of the case, with failure of the licentiate to comply subjecting the license to not being renewed or  
15 reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a  
16 stipulated settlement.

### 17 **CONSUMER COMPLAINT – R.S.**

18 23. On or about August 3, 2020, R.S. brought her 1997 Toyota Rav 4 (1997 Toyota) to  
19 Respondent's facility to diagnose a rough idle and engine noise. Respondent recommended  
20 replacing the distributor cap and rotor and welding the cracked exhaust pipe, which R.S.  
21 authorized.

22 24. On or about August 4, 2020, Respondent recommended to R.S. the replacement of the  
23 engine mounts and a transmission mount, the PCV hose, the induction intake boot, the distributor  
24 cap and rotor, the timing belt, an air filter, and welding a cracked exhaust pipe. R.S. authorized  
25 Respondent's recommended repairs and supplied her own timing belt kit, which included a water  
26 pump. R.S. also requested a diagnosis of an inoperative back door lock.

27 25. On or about August 6, 2020, R.S. retrieved her 1997 Toyota from Respondent's  
28 facility. Respondent provided R.S. with Invoice No. 81841, dated August 6, 2020, for \$790.07,  
which R.S. paid. The invoice did not record Respondent's results from its diagnosis of the  
inoperative back door lock.

26. On or about August 22, 2020, R.S. returned the 1997 Toyota to Respondent's facility because the check engine light was on and the engine was smoking and losing oil. Respondent found that a faulty brake light switch illuminated the check engine light and that the distributor seal was leaking heavily. Respondent recommended replacing the distributor seal. Respondent did not provide R.S. with a written estimate to inspect the check engine light and smoking engine prior to recommending replacement of the distributor seal. R.S. declined further repairs by Respondent.

27. On or about September 1, 2020, the Bureau received a complaint from R.S. against Respondent.

28. On or about October 8, 2020, a Bureau investigator spoke to Hamza Naveed, who identified himself as Respondent's son and manager of Smog Mart, Inc. regarding R.S.'s complaint. Hamza Naveed stated that Respondent determined that the electrical circuit for the rear door was operating properly and recommended further diagnosis, which R.S. declined.

**FIRST CAUSE FOR DISCIPLINE**

### **(Failure to Comply with the Automotive Repair Act)**

29. Respondent's registration is subject to discipline under Code section 9884.7, subdivision (a)(6), in that as regards R.S.' 1997 Toyota, Respondent failed to materially comply with the Automotive Repair Act, as follows:

a. **Code section 9884.8:** As set forth in paragraphs 25 and 28 above, Respondent failed to include on Invoice No. 81841 that the electrical switch and wiring to the rear door was inspected and no electrical fault was found as a result of those diagnostic steps.

b. **Code section 9884.9, subdivision (a)**: On or about August 22, 2020, Respondent failed to provide R.S. with a written estimate to inspect the check engine light and cause of the smoke coming from the engine prior to recommending a distributor seal replacement, as set forth in paragraph 26, above.

## CONSUMER COMPLAINT – M.S.

30. On or about September 22, 2020, M.S. brought his 1991 Toyota Previa (1991 Toyota) to Respondent's facility after it failed a smog emissions test. M.S. asked Respondent to diagnose

1 the failure. Respondent quoted \$125.00 for a diagnosis, which M.S. authorized.

2 31. On or about September 23, 2020, Respondent called M.S. and recommended  
3 replacing the EGR assist valve for \$284.17. M.S. authorized the repair. Respondent called again  
4 later that day and told M.S. that the distributor cap needed to be replaced and the fuel injectors  
5 needed to be cleaned for \$78.20, which M.S. also authorized.

6 32. On or about September 28, 2020, Respondent told M.S. his 1991 Toyota did not pass  
7 the emissions test despite the repairs M.S. had authorized, and recommended replacing the  
8 catalytic converter for \$1,500. M.S. declined the additional repair. Respondent issued Invoice  
9 No. 82565 for \$523.75 (Invoice), which M.S. paid, and M.S. retrieved his vehicle. Respondent's  
10 Invoice recorded "distributor cap not tighten down all the way damaged repair", but did not  
11 record that the distributor cap was improperly seated during the smog check inspection, that  
12 Respondent replaced the rotor, or indicate that there was no charge for labor performed to replace  
13 the distributor cap and/or rotor.

14 33. On or about September 27, 2020, the Bureau received a complaint from M.S. against  
15 Respondent.

16 34. On or about November 25, 2020, a Bureau investigator spoke to Naveed regarding  
17 M.S.' complaint. Naveed stated that after replacing the modulator, a further inspection revealed  
18 that the distributor cap was deformed and not fitting correctly.

## 19 **SECOND CAUSE FOR DISCIPLINE**

### 20 **(Failure to Comply with the Automotive Repair Act)**

21 35. Respondent's registration is subject to discipline under Code section 9884.7,  
22 subdivision (a)(6), in that as regards M.S.' 1991 Toyota, Respondent failed to materially comply  
23 with the Automotive Repair Act. Specifically, as set forth in paragraph 32 above, Respondent  
24 failed to include on Invoice No. 82565 that, in violation of Code section 9884.8:

25 a. The distributor cap was not seated correctly during the smog check  
26 inspection.

27 b. The rotor was replaced.

28 c. Any charge, or no charge (i.e. n/c) to replace the distributor cap.

1 **CONSUMER COMPLAINT – D.J.**

2 36. On or about October 9, 2020, D.J. had his 2006 Chrysler 300 (2006 Chrysler) towed  
3 to Respondent's facility after it overheated and leaked coolant. D.J. asked Respondent to  
4 diagnose the cause. Respondent issued Repair Order #082809 dated October 9, 2020, for \$45.00  
5 to perform a coolant system pressure test. Respondent assured D.J. that the engine was in good  
6 condition and recommended replacing the water pump, timing chain components, and manifold  
7 gaskets for approximately \$3,000.00, which D.J. authorized. Respondent did not document D.J.'s  
8 authorization to pressure test the cooling system.

9 37. On or about October 14, 2020, D.J. returned to retrieve the 2006 Chrysler from  
10 Respondent's facility. Respondent issued Invoice No. 82809 for \$2,990.54. Respondent did not  
11 separately itemize labor performed, including replacement of the timing chain tensioner, timing  
12 chain kit, valve cover gasket set, and intake manifold gasket set, on the Invoice, but instead listed  
13 a single price for labor. On or about October 14, 2020, D.J. and Respondent entered into a *Retail*  
14 *Installment Contract* to finance D.J.'s \$2,990.54 payment.

15 38. On or about November 10, 2020, the Bureau received a complaint from D.J. against  
16 Respondent.

17 39. On or about November 25, 2020, a Bureau investigator spoke to Naveed and B.H.,  
18 Respondent's employee. B.H. stated that he pressure tested the cooling system on D.J.'s 2006  
19 Chrysler on or about October 9, 2020.

20 **THIRD CAUSE FOR DISCIPLINE**

21 **(Failure to Comply with the Automotive Repair Act)**

22 40. Respondent's registration is subject to discipline under Code section 9884.7,  
23 subdivision (a)(6), in that as regards D.J.'s 2006 Chrysler, Respondent failed to materially comply  
24 with the Automotive Repair Act. Specifically, Respondent failed to separately itemize labor  
25 performed on Invoice No. 82809, as set forth in paragraph 37 above, in violation of Code section  
26 9884.8.

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1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Violations of Regulations)**

3 41. Respondent is subject to disciplinary action pursuant to Code section 9884.7, subdivision  
4 (a)(6), in that as regards D.J.'s 2006 Chrysler, Respondent failed to comply with regulations in a  
5 material respect. Specifically, Respondent failed to document on Invoice No. 82809, D.J.'s  
6 authorization to pressure test the cooling system, as more fully set forth in paragraph 36 above, in  
7 violation of California Code of Regulations, title 16, section 3353.1, subdivision (c).

8 **UNDERCOVER OPERATION**

9 42. On or about August 20, 2021, a Bureau undercover operator using an alias (the  
10 operator) left a Bureau-documented 2003 Honda at Respondent's facility after requesting a smog  
11 check. Later that day, the operator received a phone call from Respondent's employee, "Hamza".  
12 Hamza explained that the check engine light was on, that the vehicle would automatically fail a  
13 smog test, and recommended a diagnosis for \$125. The operator authorized the diagnosis.

14 43. The following day another employee, "Emmanuel" spoke to the operator on the  
15 telephone. Emmanuel told the operator that the upstream and downstream oxygen sensors were  
16 faulty and recommended replacement for \$447.00.

17 44. On or about August 23, 2021, the operator authorized replacement of the upstream  
18 and downstream oxygen sensors over the telephone. The operator was not asked to authorize, and  
19 had not authorized, replacement of the oxygen sensor signal wire. That same day, the operator  
20 went to Respondent's facility and paid the total amount of \$447.31.

21 45. On or about August 24, 2021, the operator returned to Respondent's facility to  
22 retrieve the 2003 Honda. Emmanuel gave the operator Invoice No. 86832, dated August 24,  
23 2021, for \$447.31. The invoice listed the removal and replacement of the upstream and  
24 downstream oxygen sensors. The operator asked what was wrong with the oxygen sensors and an  
25 employee stated that the oxygen sensors tested slow and required replacement. The employee  
26 explained that rats may have caused some damage, that it looked like the sensors had been there  
27 for a long time, should be replaced every 50,000 miles, and that the vehicle should be run with  
28 premium fuel only. Invoice No. 86832 stated, "perform the following at customers request

1 diagnostic labor based on symptoms” and “customer states – check engine light is on, inspect and  
2 advise”.

3 46. A Bureau representative subsequently inspected the 2003 Honda by comparing the  
4 vehicle to Respondent’s Invoice No. 086832, and verified that the defect introduced by the  
5 Bureau that caused the check engine light to illuminate had not been fixed. The Bureau  
6 representative determined that replacement of the upstream oxygen sensor was unnecessary and  
7 that Respondent had not replaced the downstream sensor. The Bureau representative also noted  
8 that Respondent had repaired the oxygen sensor signal wire, the only repair necessary to fix the  
9 check engine light, which repair was not documented on Respondent’s Invoice. Further, the heat  
10 shrink connector used to repair the broken wire had not been heated for shrinking, allowing for  
11 potential water/moisture intrusion, corrosion, and eventual failure. The Bureau representative  
12 noted that Invoice No. 086832 did not include Respondent’s repair of the oxygen sensor signal  
13 wire.

#### 14 **FIFTH CAUSE FOR DISCIPLINE**

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

16 47. Respondent’s registration is subject to discipline under Code section 9884.7,  
17 subdivision (a)(1), in that regarding the Bureau’s 2003 Honda, it made or authorized statements  
18 which it knew or in the exercise of reasonable care should have known to be untrue or  
19 misleading, as follows:

20 a. As set forth in paragraph 43 above, Respondent’s employee, Emmanuel,  
21 represented to the operator that the upstream and downstream oxygen sensors needed to be  
22 replaced when, in fact, they did not.

23 b. As set forth in paragraph 45 above, Respondent’s employee represented to the  
24 operator that rats may have caused some damage to the oxygen sensors and that it looked like the  
25 sensors had been there for a long time when, in fact, they had not been damaged by rats and had  
26 not been in the vehicle for a long time.

27 c. As set forth in paragraph 45 above, Respondent’s Invoice No. 86832,  
28 represented to the Bureau operator that the upstream and downstream oxygen sensors were

1 replaced. In fact, as set forth in paragraph 46 above, those repairs were not needed.

2 d. As set forth in paragraphs 45 and 46 above, Respondent's Invoice No. 86832  
3 stated, "perform the following at customers request diagnostic labor based on symptoms". In fact,  
4 the operator asked for a smog check only, and Respondent's employee recommended a diagnosis.

5 e. As set forth in paragraph 45 above, Respondent's Invoice No. 86832 stated,  
6 "customer states – check engine light is on, inspect and advise". In fact, the operator requested a  
7 smog check only and never mentioned that the check engine light was on, as set forth in  
8 paragraph 42, above.

9 f. As set forth in paragraphs 45 and 46 above, Respondent documented on Invoice  
10 No. 86832 that the operator gave a second, additional authorization, to replace the oxygen sensors  
11 in person when, in fact, the operator only authorized replacement of the oxygen sensors once,  
12 telephonically.

### 13 **SIXTH CAUSE FOR DISCIPLINE**

#### 14 **(Fraud)**

15 48. Respondent's registration is subject to discipline under Code section 9884.7,  
16 subdivision (a)(4), in that regarding the Bureau's 2003 Honda, Respondent committed acts  
17 constituting fraud by charging and receiving payment for work that was not performed and parts  
18 that were not supplied, as set forth above in paragraph 47, subparagraphs (a) through (d), above.

### 19 **SEVENTH CAUSE FOR DISCIPLINE**

#### 20 **(Departure from Trade Standards)**

21 49. Respondent's registration is subject to discipline pursuant to Code section  
22 9884.7(a)(7), in that as regards the Bureau's 2003 Honda, Respondent willfully departed from or  
23 disregarded accepted trade standards for good and workmanlike repair without the operator's  
24 consent. Specifically, Respondent did not properly repair the oxygen sensor signal wire, as set  
25 forth more particularly above in paragraph 46 above.

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1 **EIGHTH CAUSE FOR DISCIPLINE**

2 **(Failure to Comply with the Automotive Repair Act)**

3 50. Respondent's registration is subject to discipline under Code section 9884.7,  
4 subdivision (a)(6), in that as regards the Bureau's 2003 Honda, Respondent failed to materially  
5 comply with the Automotive Repair Act, as follows:

6 a. **Code section 9884.8:** As set forth in paragraphs 44 and 46 above,  
7 Respondent failed to include on Invoice No. 86832, that it repaired the oxygen sensor signal wire.

8 b. **Code section 9884.9, subdivision (a):** As set forth in paragraph 44, above,  
9 Respondent failed to obtain the operator's authorization to repair the oxygen sensor signal wire.

10 **NINTH CAUSE FOR DISCIPLINE**

11 **(Dishonesty, Fraud, or Deceit Causing Injury to Another)**

12 51. Respondent's smog check station license is subject to discipline pursuant to Health  
13 and Saf. Code section 44072.2, subdivision (d), in that Respondent committed dishonest,  
14 fraudulent, or deceitful acts whereby another was injured, as set forth in paragraphs 47,  
15 subparagraphs a through d, and 48, above.

16 **TENTH CAUSE FOR DISCIPLINE**

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

18 52. Respondent's brake and lamp station licenses are subject to discipline pursuant to  
19 Code section 9889.3, subdivision (d), in that Respondent committed dishonest, fraudulent, or  
20 deceitful acts whereby another was injured, as set forth in paragraphs 47, subparagraphs a through  
21 d, and 48, above.

22 **MATTERS IN AGGRAVATION**

23 53. To determine the degree of discipline, if any, to be imposed, Complainant alleges that  
24 on or about May 2, 2018, the Bureau conducted a station inspection and discussed previous  
25 complaints against Respondent since 2016 with Naveed Akhtar, Respondent's  
26 president/treasurer/secretary, that showed a pattern of similar violations including, but not limited  
27 to, fraud, false and misleading statements, estimate and invoice violations, documentation of  
28 authorization for additional repairs, and records retention as required by Bureau regulations. On

1 or about May 2, 2018, the Bureau held a proactive conference with Naveed Akhtar. At that  
2 conference, a Bureau representative discussed with Naveed Akhtar Respondent's alleged  
3 violations of the Automotive Repair Act, which included untrue or misleading statements, fraud,  
4 and failing to meet authorization and invoice requirements. Naveed Akhtar was advised that  
5 continued violations could result in discipline that could jeopardize Respondent's automotive  
6 repair dealer registration and was provided with additional information and resources in order to  
7 comply with the Bureau's laws and regulations. The Bureau also offered to conduct additional  
8 training for Respondent's service representatives in order to ensure compliance with the Bureau's  
9 laws and regulations.

### 10 **OTHER MATTERS**

11 54. Under Code section 9884.7, subdivision (c), the Director may invalidate temporarily  
12 or permanently or refuse to validate, the registrations for all places of business operated in this  
13 state by Respondent Smog Mart, Inc. upon a finding that it has, or is, engaged in a course of  
14 repeated and willful violations of the laws and regulations pertaining to an automotive repair  
15 dealer.

16 55. Pursuant to Health and Safety Code section 44072.8, if Smog Check Station License  
17 No. RC 272665, issued to Naveed M. Akhtar, doing business as Smog Mart, Inc., is revoked or  
18 suspended, then any additional license issued under this chapter in the name of said licensee may  
19 be likewise revoked or suspended by the Director.

20 56. Under Code section 9889.9, if any license has been revoked or suspended following a  
21 hearing under the provisions of this article, any additional license issued under article five and six  
22 of this chapter in the name of the licensee may be likewise revoked or suspended by the Director.

### 23 **PRAYER**

24 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
25 and that following the hearing, the Director of the Department of Consumer Affairs issue a  
26 decision:

27 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD  
28 272665, issued to Smog Mart, Inc.;

2. Revoking or suspending any other automotive repair dealer registration issued to Smog Mart, Inc.;
3. Revoking or suspending Smog Check Station License Number RC 272665, issued to Smog Mart, Inc.;
4. Revoking or suspending any additional license issued under of Chapter 5 of Part 5 of Division 26 of the Health & Safety Code in the name of Smog Mart, Inc.;
5. Revoking or suspending Brake Station License Number BS 272665, issued to Smog Mart, Inc.;
6. Revoking or suspending Lamp Station License Number LS 272665, issued to Smog Mart, Inc.;
7. Revoking or suspending any additional license issued under Division 3, Chapter 20.3, Articles 5 and 6 of the Business and Professions Code in the name of Smog Mart, Inc.;
8. Ordering Smog Mart, Inc. to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
9. Taking such other and further action as deemed necessary and proper.

DATED: As of Digital Signature Date

Dorais, Patrick@DCA

Digitally signed by Dorais,  
Patrick@DCA  
Date: 2022.04.05 14:28:16 -07'00'

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

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