

**BEFORE THE DIRECTOR OF THE
DEPARTMENT OF CONSUMER AFFAIRS
BUREAU OF AUTOMOTIVE REPAIR**

STATE OF CALIFORNIA

In the Matter of the Accusation Against:

SMOG MART, INC.;

NAVEED M. AKHTAR, PRES./SECT./TREAS.

7070 Stockton Blvd.

Sacramento, CA 95823

Automotive Repair Dealer Registration No. ARD 272665

Smog Check Station License No. RC 272665

Brake Station License No. BS 272665, Class A

Lamp Station License No. LS 272665, Class A

Respondent.

Case No. 77/21-4511

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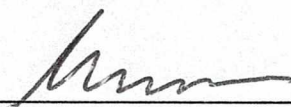
OAH No. 2022100431

DECISION

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

This Decision shall become effective on June 21, 2023.

DATED: May 15, 2023



GRACE ARUPO RODRIGUEZ
Assistant Deputy Director
Legal Affairs Division
Department of Consumer Affairs

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10 **BEFORE THE**
DEPARTMENT OF CONSUMER AFFAIRS
11 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**
STATE OF CALIFORNIA
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14 In the Matter of the Accusation Against:

15 **SMOG MART, INC.**
16 **NAVEED M. AKHTAR,**
PRES./SECT./TREAS.
17 7070 Stockton Blvd.
Sacramento, CA 95823

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

22 Respondent.
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Case No. 77/21-4511

OAH No. 2022100431

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

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

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1 **PARTIES**

2 1. Patrick Dorais (Complainant) is the Chief of the Bureau of Automotive Repair
3 (Bureau). He brought this action solely in his official capacity and is represented in this matter by
4 Rob Bonta, Attorney General of the State of California, by Patricia Webber Heim, Deputy
5 Attorney General.

6 2. Respondent Smog Mart, Inc., with Naveed M. Akhtar as its president, secretary, and
7 treasurer (Respondent) is representing itself in this proceeding and has chosen not to exercise its
8 right to be represented by counsel.

9 **Automotive Repair Dealer Registration**

10 3. On or about April 25, 2013, the Bureau issued Automotive Repair Dealer Registration
11 No. ARD 272665 to Respondent. The Automotive Repair Dealer Registration was in full force
12 and effect at all times relevant to the charges brought in Accusation No. 77/21-4511, and will
13 expire on April 30, 2023, unless renewed.

14 **Smog Check Station License**

15 4. On or about June 12, 2013, the Bureau issued Smog Check Station License No. RC
16 272665 to Respondent. The Smog Check Station License was in full force and effect at all times
17 relevant to the charges brought in Accusation No. 77/21-4511, and will expire on April 30, 2023,
18 unless renewed. On or about December 24, 2018, Respondent was certified as a STAR station.

19 **Brake Station License**

20 5. On or about November 4, 2016, the Bureau issued Brake Station License No. BS
21 272665, Class A, to Respondent. The Brake Station License was in full force and effect at all
22 times relevant to the charges brought in Accusation No. 77/21-4511, and will expire on April 30,
23 2023, unless renewed.

24 **Lamp Station License**

25 6. On or about June 12, 2013, the Bureau issued Lamp Station License Number LS
26 272665, Class A, to Respondent. The Lamp Station License was in full force and effect at all
27 times relevant to the charges brought herein and will expire on April 30, 2023, unless renewed.

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1 basis for the charges in the Accusation, and that Respondent hereby gives up its right to contest
2 those charges.

3 14. Respondent agrees that its Automotive Repair Dealer Registration No. ARD 272665,
4 Smog Check Station License No. RC 272665, Brake Station License No. BS 272665, Class A,
5 and Lamp Station License No. LS 272665 are subject to discipline and it agrees to be bound by
6 the Bureau's probationary terms as set forth in the Disciplinary Order below.

7 15. Respondent agrees that its STAR Certification will remain valid so long as it
8 complies with the Bureau's probationary terms as set forth in the Disciplinary Order below.

9 **CONTINGENCY**

10 16. This stipulation shall be subject to approval by the Director or the Director's designee.
11 Respondent understands and agrees that counsel for Complainant and the staff of the Bureau of
12 Automotive Repair may communicate directly with the Director and staff of the Department of
13 Consumer Affairs regarding this stipulation and settlement, without notice to or participation by
14 Respondent. By signing the stipulation, Respondent understands and agrees that they may not
15 withdraw its agreement or seek to rescind the stipulation prior to the time the Director considers
16 and acts upon it. If the Director fails to adopt this stipulation as the Decision and Order, the
17 Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this
18 paragraph, it shall be inadmissible in any legal action between the parties, and the Director shall
19 not be disqualified from further action by having considered this matter.

20 17. The parties understand and agree that Portable Document Format (PDF) and facsimile
21 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
22 signatures thereto, shall have the same force and effect as the originals.

23 18. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
24 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
25 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
26 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
27 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
28 writing executed by an authorized representative of each of the parties.

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

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Automotive Repair Dealer Registration No. ARD 272665, Smog Check Station License No. RC 272665, Brake Station License No. BS 272665, Class A, and Lamp Station License No. LS 272665, Class A, issued to Respondent Smog Mart, Inc., with Naveed M. Akhtar as its president, secretary, and treasurer, are revoked. However, the revocations are stayed and Respondent is placed on probation for five (5) years on the following terms and conditions:

1. Obey All Laws. During the period of probation, Respondent shall comply with all federal and state statutes, regulations and rules governing all BAR registrations and licenses held by Respondent.

2. Quarterly Reporting. During the period of probation, Respondent shall report either by personal appearance or in writing as determined by BAR on a schedule set by BAR, but no more frequently than once each calendar quarter, on the methods used and success achieved in maintaining compliance with the terms and conditions of probation.

3. Report Financial Interests. Respondent shall, within 30 days of the effective date of the decision and within 30 days from the date of any request by BAR during the period of probation, report any financial interest which any Respondent or any partners, officers, or owners of any Respondent facility may have in any other business required to be registered pursuant to Section 9884.6 of the Business and Professions Code.

4. Access to Examine Vehicles and Records. Respondent shall provide BAR representatives unrestricted access to examine all vehicles (including parts) undergoing service, inspection, or repairs, up to and including the point of completion. Respondent shall also provide BAR representatives unrestricted access to all records pursuant to BAR laws and regulations.

5. Tolling of Probation. If, during probation, Respondent leaves the jurisdiction of California to reside or do business elsewhere or otherwise ceases to do business in the jurisdiction

1 of California, Respondent shall notify BAR in writing within 10 days of the dates of departure
2 and return, and of the dates of cessation and resumption of business in California. All provisions
3 of probation other than cost reimbursement requirements, restitution requirements, training
4 requirements, and that Respondent obey all laws, shall be held in abeyance during any period of
5 time of 30 days or more in which Respondent is not residing or engaging in business within the
6 jurisdiction of California. All provisions of probation shall recommence on the effective date of
7 resumption of business in California. Any period of time of 30 days or more in which Respondent
8 is not residing or engaging in business within the jurisdiction of California shall not apply to the
9 reduction of this probationary period or to any period of actual suspension not previously
10 completed. Tolling is not available if business or work relevant to the probationary license or
11 registration is conducted or performed during the tolling period.

12 **6. Violation of Probation.** If Respondent violates or fails to comply with the terms
13 and conditions of probation in any respect, the Director, after giving notice and opportunity to be
14 heard may set aside the stay order and carry out the disciplinary order provided in the decision.
15 Once Respondent is served notice of BAR's intent to set aside the stay, the Director shall maintain
16 jurisdiction, and the period of probation shall be extended until final resolution of the matter.

17 **7. Maintain Valid License.** Respondent shall, at all times while on probation,
18 maintain a current and active registration and/or license(s) with BAR, including any period during
19 which suspension or probation is tolled. If Respondent's registration or license is expired at the
20 time the decision becomes effective, the registration or license must be renewed by Respondent
21 within 30 days of that date. If Respondent's registration or license expires during a term of
22 probation, by operation of law or otherwise, then upon renewal Respondent's registration or
23 license shall be subject to any and all terms and conditions of probation not previously satisfied.
24 Failure to maintain a current and active registration and/or license during the period of probation
25 shall also constitute a violation of probation.

26 **8. Cost Recovery.** Respondent shall pay the Bureau of Automotive Repair
27 \$20,212.74 for the reasonable costs of the investigation and enforcement of case No. 77/21-4511.
28 Respondent shall make such payment as follows: Fifty-four (54) monthly payments of \$374.31

beginning on the effective date of this decision. Full payment to be completed no later than six (6) months before probation terminates. Respondent shall make payment by check or money order payable to the Bureau of Automotive Repair and shall indicate on the check or money order that it is for cost recovery payment for case No. 77/21-4511. Any order for payment of cost recovery shall remain in effect whether or not probation is tolled. Probation shall not terminate until full cost recovery payment has been made. BAR reserves the right to pursue any other lawful measures in collecting on the costs ordered and past due, in addition to taking action based upon the violation of probation.

9. Completion of Probation. Upon successful completion of probation, Respondent's affected registration and licenses will be fully restored or issued without restriction, if Respondent meets all current requirements for registration or licensure and has paid all outstanding fees, monetary penalties, or cost recovery owed to BAR.

10. License Surrender. Following the effective date of a decision that orders a stay of invalidation or revocation, if Respondent ceases business operations or is otherwise unable to satisfy the terms and conditions of probation, Respondent may request that the stay be vacated. Such request shall be made in writing to BAR. The Director and the BAR Chief reserve the right to evaluate the Respondent's request and to exercise discretion whether to grant the request or take any other action deemed appropriate or reasonable under the circumstances. Upon formal granting of the request, the Director will vacate the stay order and carry out the disciplinary order provided in the decision. Respondent may not petition the Director for reinstatement of the surrendered registration and/or license, or apply for a new registration or license under the jurisdiction of BAR at any time before the date of the originally scheduled completion of probation. If Respondent applies to BAR for a registration or license at any time after that date, Respondent must meet all current requirements for registration or licensure and pay all outstanding fees or cost recovery owed to BAR and left outstanding at the time of surrender.

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1 **ACCEPTANCE**

2 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
3 stipulation and the effect it will have on my Automotive Repair Dealer Registration, Smog Check
4 Station License, Brake Station License, and Lamp Station License. I enter into this Stipulated
5 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be
6 bound by the Decision and Order of the Director of the Department of Consumer Affairs.

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8 DATED: 3/21/2023

Copy of Signature on File

9 NAVEED M. AKHTAR, PRES./SECT./TREAS. of
10 SMOG MART, INC.
Respondent

11 **ENDORSEMENT**

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

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15 DATED: 3/22/2023

Respectfully submitted,

16 ROB BONTA
Attorney General of California
17 DAVID E. BRICE
Supervising Deputy Attorney General

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19 Copy of Signature on File
20 PATRICIA WEBBER HEIM
Deputy Attorney General
21 *Attorneys for Complainant*

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