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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/Petition to  
Revoke Probation Against:

Case No. 79/21-12058

OAH No. 2022060169

15 **JOGINDER SINGH DBA SMOGSTER**  
16 **6928 Reseda Blvd**  
**Reseda, CA 91335**

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

17 **Automotive Repair Dealer Registration No.**  
**ARD 274480**  
18 **Smog Check Station License No. RC 274480**

19 Respondent.

20  
21  
22 In the interest of a prompt and speedy settlement of this matter, consistent with the public  
23 interest and the responsibilities of the Director of Consumer Affairs and the Bureau of  
24 Automotive Repair, the parties hereby agree to the following Stipulated Settlement and  
25 Disciplinary Order which will be submitted to the Director for the Director's approval and  
26 adoption as the final disposition of the Accusation/Petition to Revoke Probation.  
27  
28

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 Melissa Tyner, Deputy Attorney  
5 General.

6 2. Respondent Joginder Singh dba Smogster (Respondent) is represented in this  
7 proceeding by attorney William Ferreira, whose address is: 580 California Street, Suite 1200  
8 San Francisco, CA 94104

9 3. On or about October 11, 2013, the Bureau issued Automotive Repair Dealer  
10 Registration No. ARD 274480 to Joginder Singh dba Smogster (Respondent). The Automotive  
11 Repair Dealer Registration was in full force and effect at all times relevant to the charges brought  
12 in Accusation/Petition to Revoke Probation No. 79/21-12058, and will expire on October 31,  
13 2023, unless renewed.

14 4. On or about December 7, 2015, the Bureau issued Smog Check Station License No.  
15 RC 274480 to Joginder Singh dba Smogster (Respondent). The Smog Check Station License  
16 was in full force and effect at all times relevant to the charges brought in Accusation/Petition to  
17 Revoke Probation No. 79/21-12058, and will expire on October 31, 2023, unless renewed.

18 5. On or about December 14, 2015, the Bureau of Automotive Repair issued a STAR  
19 Station Certification to Joginder Singh dba Smogster (Respondent).

20 **JURISDICTION**

21 6. Accusation/Petition to Revoke Probation No. 79/21-12058 was filed before the  
22 Director of the Department of Consumer Affairs (Director), and is currently pending against  
23 Respondent. The Accusation/Petition to Revoke Probation and all other statutorily required  
24 documents were properly served on Respondent on March 4, 2022. Respondent timely filed his  
25 Notice of Defense contesting the Accusation/Petition to Revoke Probation.

26 7. A copy of Accusation/Petition to Revoke Probation No. 79/21-12058 is attached as  
27 exhibit A and incorporated herein by reference.

28

1 **ADVISEMENT AND WAIVERS**

2 8. Respondent has carefully read, fully discussed with counsel, and understands the  
3 charges and allegations in Accusation/Petition to Revoke Probation No. 79/21-12058.  
4 Respondent has also carefully read, fully discussed with counsel, and understands the effects of  
5 this Stipulated Settlement and Disciplinary Order.

6 9. Respondent is fully aware of his legal rights in this matter, including the right to a  
7 hearing on the charges and allegations in the Accusation/Petition to Revoke Probation; the right  
8 to confront and cross-examine the witnesses against him; the right to present evidence and to  
9 testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of  
10 witnesses and the production of documents; the right to reconsideration and court review of an  
11 adverse decision; and all other rights accorded by the California Administrative Procedure Act  
12 and other applicable laws.

13 10. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
14 every right set forth above.

15 **CULPABILITY**

16 11. Respondent understands and agrees that the charges and allegations in Accusation/  
17 Petition to Revoke Probation No. 79/21-12058, if proven at a hearing, constitute cause for  
18 imposing discipline upon his Automotive Repair Dealer Registration and his Smog Check Station  
19 License.

20 12. For the purpose of resolving the Accusation/Petition to Revoke Probation without the  
21 expense and uncertainty of further proceedings, Respondent agrees that, at a hearing,  
22 Complainant could establish a factual basis for the charges in the Accusation/Petition to Revoke  
23 Probation, and that Respondent hereby gives up his right to contest those charges.

24 13. Respondent agrees that his Automotive Repair Dealer Registration and his Smog  
25 Check Station License are subject to discipline, and he agrees to be bound by the Director's  
26 probationary terms as set forth in the Disciplinary Order below.

**CONTINGENCY**

1  
2           14. This stipulation shall be subject to approval by the Director or the Director's designee.  
3 Respondent understands and agrees that counsel for Complainant and the staff of the Bureau of  
4 Automotive Repair may communicate directly with the Director and staff of the Department of  
5 Consumer Affairs regarding this stipulation and settlement, without notice to or participation by  
6 Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he  
7 may not withdraw his agreement or seek to rescind the stipulation prior to the time the Director  
8 considers and acts upon it. If the Director fails to adopt this stipulation as the Decision and  
9 Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for  
10 this paragraph, it shall be inadmissible in any legal action between the parties, and the Director  
11 shall not be disqualified from further action by having considered this matter.

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

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

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

**DISCIPLINARY ORDER**

24  
25           IT IS HEREBY ORDERED that Automotive Repair Dealer Registration No. ARD 274480  
26 and Smog Check Station License No. RC 274480 issued to Respondent Joginder Singh dba  
27 Smogster shall remain on probation and subject to all terms and conditions of the Decision and  
28 Order in the disciplinary action titled "In the Matter of the Accusation Against Joginder Singh

1 dba Smogster," Case No. 79/18-588 for an additional period of two (2) years, commencing on the  
2 effective date of the Decision and Order in Case No. 79/21-12058. A copy of the Decision and  
3 Order in the disciplinary action titled "In the Matter of the Accusation Against Joginder Singh  
4 dba Smogster," Case No. 79/18-588 is attached as Exhibit B and is incorporated herein by  
5 reference.

6 1. **Cost Recovery.** Respondent shall pay the Bureau of Automotive Repair \$2,999.88 to  
7 be paid in eighteen (18) equal monthly installments of \$166.66 starting on the effective date, and  
8 then due the 1<sup>st</sup> of every month thereafter for the reasonable costs of the investigation and  
9 enforcement of case No. 79/21-12058. Respondent shall make payment by check or money order  
10 payable to the Bureau of Automotive Repair and shall indicate on the check or money order that it  
11 is for cost recovery payment for case No. 79/21-12058. Any order for payment of cost recovery  
12 shall remain in effect whether or not probation is tolled. Probation shall not terminate until full  
13 cost recovery payment has been made. BAR reserves the right to pursue any other lawful  
14 measures in collecting on the costs ordered and past due, in addition to taking action based upon  
15 the violation of probation.

16 **ACCEPTANCE**

17 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
18 discussed it with my attorney, William Ferreira. I understand the stipulation and the effect it will  
19 have on my Automotive Repair Dealer Registration, Smog Check Station License, and STAR  
20 Station Certification. I enter into this Stipulated Settlement and Disciplinary Order voluntarily,  
21 knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of  
22 the Department of Consumer Affairs.

23  
24 DATED: October 31, 2022

Signature on File

25 JOGINDER SINGH DBA SMOGSTER  
*Respondent*

26 I have read and fully discussed with Respondent Joginder Singh dba Smogster the terms  
27 and conditions and other matters contained in the above Stipulated Settlement and Disciplinary  
28

1 Order. I approve its form and content.

2 DATED: October 31, 2022 Signature on File  
3 WILLIAM FERREIRA  
4 *Attorney for Respondent*

5 **ENDORSEMENT**

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

8 DATED: November 1, 2022 Respectfully submitted,  
9  
10 ROB BONTA  
11 Attorney General of California  
12 NANCY A. KAISER  
13 Supervising Deputy Attorney General

14 Signature on File  
15  
16 MELISSA TYNER  
17 Deputy Attorney General  
18 *Attorneys for Complainant*

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