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7

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

12  
13 In the Matter of the First Amended Accusation  
Against:

Case No. 79/21-14784

14 **ABE'S AUTO REPAIR CENTER,**  
15 **ABRAHAM CHAKARIAN, SOLE**  
16 **PROPRIETOR**  
**10202 Topanga Cyn. Blvd.**  
**Chatsworth, CA 91311**

**FIRST AMENDED ACCUSATION**

17 **Automotive Dealer Registration No. ARD**  
**277740**  
18 **Smog Check, Station License No. RC 277740**

19 **and**

20 **ABRAHAM CHAKARIAN**  
21 **10243 Topanga Cyn. Blvd.**  
**Chatsworth, CA 91311**

22 **Smog Inspector License No. EO 639614**

23  
24 Respondents.  
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1 **PARTIES**

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

4 2. On or about September 4, 2014, the Bureau of Automotive Repair issued Automotive  
5 Repair Dealer Registration Number ARD 277740 to Abraham Chakarian, dba Abe’s Auto Repair  
6 Center (Respondent Abe’s Auto Repair). The Automotive Repair Dealer Registration was in full  
7 force and effect at all times relevant to the charges brought herein and will expire on September  
8 30, 2023, unless renewed.

9 3. On or about April 8, 2016, the Bureau of Automotive Repair issued Smog Check  
10 Station License Number RC 277740 to Abraham Chakarian, dba Abe’s Auto Repair Center  
11 (Respondent Abe’s Auto Repair). The Smog Check Station License was in full force and effect at  
12 all times relevant to the charges brought herein and will expire on September 30, 2023, unless  
13 renewed.

14 4. On or about August 29, 2016, the Bureau of Automotive Repair issued Smog Check  
15 Inspector License No. EO 639614 to Abraham Chakarian (Respondent Chakarian). The Smog  
16 Check Station License was in full force and effect at all times relevant to the charges brought  
17 herein and will expire on March 31, 2024, unless renewed.

18 **JURISDICTION**

19 5. This First Amended Accusation is brought before the Director of the Department of  
20 Consumer Affairs (Director) for the Bureau of Automotive Repair, under the authority of the  
21 following laws.

22 6. Section 477 of the Business and Professions Code provides, in pertinent part, that  
23 “Board” includes “bureau,” “commission,” “committee,” “department,” “division,” “examining  
24 committee,” “program,” and “agency.” “License” includes certificate, registration or other means  
25 to engage in a business or profession regulated by the code.

26 7. Section 44002 of the Health and Safety Code provides, in pertinent part, that the  
27 Director has all the powers and authority granted under the Automotive Repair Act for enforcing  
28 the Motor Vehicle Inspection Program.



1 by this chapter or Chapter 5 (commencing with Section 44000) of Part 5 of Division 26 of the  
2 Health and Safety Code constitutes perjury and is punishable as provided in the Penal Code.”

3 12. Section 44012 of the Health and Safety Code states:

4 “The test at the smog check stations shall be performed in accordance with procedures  
5 prescribed by the department, pursuant to Section 44013, shall require, at a minimum, loaded  
6 mode dynamometer testing in enhanced areas, and two-speed testing in all other program areas,  
7 and shall ensure all of the following:

8 ...

9 (f) A visual or functional check is made of emission control devices specified by the  
10 department, including the catalytic converter in those instances in which the department  
11 determines it to be necessary to meet the findings of Section 44001. The visual or functional  
12 check shall be performed in accordance with procedures prescribed by the department.”

13 13. Section 44015 of the Health and Safety Code states:

14 “...

15 (b) If a vehicle meets the requirements of Section 44012, a smog check station licensed to  
16 issue certificates shall issue a certificate of compliance or a certificate of noncompliance.

17 14. Section 44032 of the Health and Safety Code states:

18 “No person shall perform, for compensation, tests or repairs of emission control devices or  
19 systems of motor vehicles required by this chapter unless the person performing the test or repair  
20 is a qualified smog check technician and the test or repair is performed at a licensed smog check  
21 station. Qualified technicians shall perform tests of emission control devices and systems in  
22 accordance with Section 44012.”

23 15. Section 44059 of the Health and Safety Code states:

24 “The willful making of any false statement or entry with regard to a material matter in any  
25 oath, affidavit, certificate of compliance or noncompliance, or application form which is required  
26 by this chapter or Chapter 20.3 (commencing with Section 9880) of Division 3 of the Business  
27 and Professions Code, constitutes perjury and is punishable as provided in the Penal Code.”

28 16. California Health and Safety Code section 44072.10, subdivision (c) states:

1 “(c) The department shall revoke the license of any smog check technician or station  
2 licensee who fraudulently certifies vehicles or participates in the fraudulent inspection of  
3 vehicles. A fraudulent inspection includes, but is not limited to, all of the following:

4 (1) Clean piping, as defined by the department.

5 (2) Tampering with a vehicle emission control system or test analyzer system.

6 (3) Tampering with a vehicle in a manner that would cause the vehicle to falsely pass or falsely  
7 fail an inspection.

8 (4) Intentional or willful violation of this chapter or any regulation, standard, or procedure of the  
9 department implementing this chapter.”

### 10 **REGULATORY PROVISIONS**

11 17. California Code of Regulations, title 16, section 3340.30, subdivision (a) states in  
12 pertinent part that a licensed technician shall inspect, test and repair vehicles in accordance with  
13 section 44012 of the Health and Safety Code, section 44035 of the Health and Safety Code, and  
14 section 3340.42 of this article.

15 18. California Code of Regulations, title 16, section 3340.35, subdivision (c) states in  
16 pertinent part that a licensed station shall issue a certificate of compliance or noncompliance to  
17 the owner or operator of any vehicle that has been inspected in accordance with the procedures  
18 specified in section 3340.42 of this article and has all the required emission control equipment  
19 and devices installed and functioning correctly.

20 19. California Code of Regulations, title 16, section 3340.41, subdivision (c) states in  
21 pertinent part that no person shall enter into the emissions inspection system any vehicle  
22 identification information or emission control system identification data for any vehicle other  
23 than the one being tested. Nor shall any person knowingly enter into the emissions inspection  
24 system any false information about the vehicle being tested.

25 20. California Code of Regulations, title 16, section 3373, states:

26 “No automotive repair dealer or individual in charge shall, in filling out an estimate,  
27 invoice, or work order, or record required to be maintained by section 3340.15(f) of this chapter,  
28 withhold therefrom or insert therein any statement or information which will cause any such

1 document to be false or misleading, or where the tendency or effect thereby would be to mislead  
2 or deceive customers, prospective customers, or the public.”

3 **COST RECOVERY**

4 21. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
5 administrative law judge to direct a licentiate found to have committed a violation or violations of  
6 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
7 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
8 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
9 included in a stipulated settlement.

10 **FIRST DATA REVIEW**

11 22. On March 9, 2015, the Bureau implemented a policy change requiring the use of an  
12 On-Board Diagnostic Inspection System (OIS) in testing of 2000 model year and newer gas  
13 powered vehicles 14,000 Gross Vehicle Weight Rating (GVW) and under, and 1998 and newer  
14 diesel powered vehicles 14,000 GVW and under. The OIS Bureau Test Data lists differences in  
15 Vehicle Identification Numbers (VIN) for vehicles that have received smog inspections, in  
16 addition to communication protocol (the language used to communicate) and Parameter ID (PID)  
17 differences with vehicles that have been certified correctly that are the same make and model  
18 vehicles.

19 23. A Bureau representative initiated an investigation in which he reviewed OIS test data  
20 for Respondent Abe’s Auto Repair. The investigation revealed that the data related to certain  
21 vehicles certified by Respondent Abe’s Auto Repair contained a pattern of unmistakable  
22 discrepancies between the information transmitted during the inspections and documented  
23 information known about the subject vehicles. Specifically, the representative compared the data  
24 received from the certified vehicles to data from vehicles of the same year, make, and model and  
25 determined that the data from seven of the certified vehicles contained two or more of the  
26 following unmistakable discrepancies: (1) missing eVINs; (2) incorrect vehicle communication  
27 protocols; and (3) incorrect PID counts. These documented discrepancies confirm that the  
28 vehicles receiving smog certificates from Respondent Abe’s Auto Repair were fraudulently tested

1 during the smog inspection using the clean plugging method. Clean plugging refers to the use of  
 2 another vehicle's properly functioning On Board Diagnostic, generation II, (OBD II) system, or  
 3 another source, to generate passing diagnostic readings for the purpose of issuing fraudulent smog  
 4 Certificates of Compliance to vehicles that are not in smog compliance or were not present for  
 5 testing.

6 24. The following table illustrates the documented clean plugging activities of  
 7 Respondents from August 16, 2021 through November 3, 2021.

No.	Test Date	Vehicle Certified & VIN/Plate No.	Certificate No.	Technician	OIS Test Data Details
1.	8/16/21	2001 Ford Excursion XLT VIN: 1FMNU40LX1ED82288	SE668774C	Respondent Chakarian (EO 639614)	Comm. Protocol: I914 (Expected: JPWM)  PID Count: 20 (Expected: 18 or 20)  eVIN: not reported 1FMNU40LX1E D82288
2.	8/27/21	2013 Nissan 370Z Base VIN: JN1AZ4EH1DM382895	SE668792C	Respondent Chakarian (EO 639614)	Comm. Protocol: ICAN29bt5 (Expected: ICAN11bt5)  PID Count: 20 Expected: 46)  eVIN: JN1AZ4EH1DM 382895  JN1AZ4EH1DM 382895
3.	9/13/21	2005 Ford GT VIN: 1FAFP90SX5Y400285	SG447349C	Respondent Chakarian (EO 639614)	Comm. Protocol: KWPF (Expected: JPWM)

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No.	Test Date	Vehicle Certified & VIN/Plate No.	Certificate No.	Technician	OIS Test Data Details
					PID Count: 20 Expected: 23 0  eVIN: not reported Expected: 1FAFP90SX5Y4 00285
4.	10/8/21	2004 Jeep Grand Cherokee Laredo VIN: 1J4GW48N64C258946	IN404401C	Respondent Chakarian (EO 639614)	Comm. Protocol: ICAN29bt5 (Expected: JVPW)  PID Count: 20 Expected: 20 3  eVIN: 1J4GW48N64C 258946 Not expected
5.	10/21/21	2007 Dodge Charger SE VIN: 2B3LA43R77H660474	IN404427C	Respondent Chakarian (EO 639614)	Comm. Protocol: ICAN29bt5 (Expected: ICAN11bt5)  PID Count: 95 Expected: 43  eVIN: 2B3LA43R77H6 60474  2B3LA43R77H6 60474
6.	11/3/21	2012 Ferrari 458 Spider VIN: ZFF68NHAC0188766	SI786101C	Respondent Chakarian (EO 639614)	Comm. Protocol: ICAN29bt5 (Expected: ICAN11bt5)  PID Count: 95

No.	Test Date	Vehicle Certified & VIN/Plate No.	Certificate No.	Technician	OIS Test Data Details
					Expected: 42 14 42 43 14 42  eVIN: ZFF68NHAC01 88766 ZFF68NHAC01 88766
7.	11/3/21	2002 Toyota Corolla CE VIN: 1NXBR12E02Z633361	SI786102C	Respondent Chakarian (EO 639614)	Comm. Protocol: ICAN29bt5 (Expected: I914)  PID Count: 95 Expected: 16  eVIN: not reported not expected

**FIRST CAUSE FOR DISCIPLINE**

**(Untrue or Misleading Statements)**

**(As to Automotive Repair Dealer Registration No. 277740)**

25. Respondent Abe's Auto Repair's Automotive Repair Dealer Registration is subject to disciplinary action pursuant to Business and Professions Code section 9884.7, subdivision (a)(1), in that Respondent made or authorized statements which Respondent knew or in the exercise of reasonable care should have known to be untrue or misleading.

26. Respondent Abe's Auto Repair certified that the seven (7) vehicles identified in paragraph 23 above, had passed inspection and were in compliance with applicable laws and regulations. In fact, Respondent Abe's Auto Repair conducted the inspections of the seven vehicles identified in paragraph 23 above, using clean-plugging methods in that it substituted or used a different vehicle(s), or another source, or failed to report the results of the vehicles identified during the OBD II functional tests in order to issue smog certificates of compliance for the vehicles. Respondent Abe's Auto Repair did not test or inspect any of the seven vehicles as required by Health and Safety Code section 44012. Complainant incorporates by reference,

1 paragraphs 22 through 24, as if fully set forth herein.

2 **SECOND CAUSE FOR DISCIPLINE**

3 **(Fraud)**

4 **(As to Automotive Repair Dealer Registration No. 277740)**

5 27. Respondent Abe's Auto Repair's Automotive Repair Dealer Registration is subject to  
6 disciplinary action pursuant to Business and Professions Code section 9884.7, subdivision (a)(4),  
7 in that Respondent Abe's Auto Repair committed acts that constitute fraud by issuing electronic  
8 smog certificates of compliance for the seven vehicles identified in paragraph 24 above, without  
9 performing bona fide inspections of the emission control devices and systems on the vehicles,  
10 thereby depriving the People of the State of California of the protection afforded by the Motor  
11 Vehicle Inspection Program. Complainant incorporates by reference, paragraphs 22 through 24,  
12 as if fully set forth herein.

13 **THIRD CAUSE FOR DISCIPLINE**

14 **(Material Violation of Automotive Repair Act)**

15 **(As to Automotive Repair Dealer Registration No. 277740)**

16 28. Respondent Abe's Auto Repair's Automotive Repair Dealer Registration is subject to  
17 disciplinary action pursuant to Business and Professions Code section 9884.7, subdivision (a)(6),  
18 in that Respondent Abe's Auto Repair failed in a material respect to comply with the provisions  
19 of this chapter or regulations adopted pursuant to it when he issued electronic certificates of  
20 compliance for the seven vehicles identified in paragraph 24 above, without performing bona fide  
21 inspections of the emission control devices and systems on those vehicles, thereby depriving the  
22 People of the State of California of the protection afforded by the Motor Vehicle Inspection  
23 Program. Complainant incorporates by reference, paragraphs 22 through 24, as if fully set forth  
24 herein.

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**FOURTH CAUSE FOR DISCIPLINE**

**(False Statements on a Certificate of Compliance)**

**(As to Automotive Repair Dealer Registration No. 277740)**

29. Respondent Abe's Auto Repair's Automotive Repair Dealer registration is subject to discipline under BPC section 9889.22, in that Respondent made false statements with regard to a material matter in a certificate of compliance when issuing electronic smog certificates of compliance for the vehicles identified in paragraphs 24, above. Complainant incorporates by reference, paragraphs 22 through 24, as if fully set forth herein.

**FIFTH CAUSE FOR DISCIPLINE**

**(Violations of the Motor Vehicle Inspection Program)**

**(As to Smog Check Station License No. RC 277740)**

30. Respondent Abe's Auto Repair's Smog Check Station License is subject to disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (a), in that Respondent Abe Auto Repair failed to comply with the following sections of that Code:

a. **Section 44012, subdivision (a):** Respondent Abe's Auto Repair failed to ensure that the emission control tests were in accordance with procedures prescribed by the department.

b. **Section 44012, subdivision (f):** Respondent Abe's Auto Repair failed perform a visual and/or functional check of required emission control devices.

c. **Section 44015, subdivision (b):** Respondent Abe's Auto Repair issued electronic smog certificates of compliance for the seven vehicles identified in paragraph 24 above, without ensuring that the vehicles were properly tested and inspected to determine if they were in compliance with Health and Safety Code section 44012.

d. **Section 44059:** Respondent Abe's Auto Repair willfully made false entries in certificates of compliance by certifying that the vehicles had been inspected when, in fact, they had not.

Complainant incorporates by reference, paragraphs 22 through 24, as if fully set forth herein.

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1 Complainant refers to, and by this reference incorporates, the allegations contained in  
2 paragraph 22 through 24, as though set forth fully herein.

3 **EIGHTH CAUSE FOR DISCIPLINE**

4 **(Violations of the Motor Vehicle Inspection Program)**

5 **(As to Smog Check Inspector License No. EO 639614)**

6 33. Respondent Chakarian's Smog Check Inspector License is subject to disciplinary  
7 action pursuant to Health and Safety Code section 44072.2, subdivision (a), in that Respondent  
8 Herrera-Ballesteros failed to comply with the following sections of that Code:

9 a. **Section 44012, subdivision (a):** Respondent Chakarian failed to ensure that the  
10 emission control tests were in accordance with procedures prescribed by the department.

11 b. **Section 44012, subdivision (f):** Respondent Chakarian failed perform a visual and/or  
12 functional check of required emission control devices.

13 c. **Section 44032:** Respondent Chakarian failed to perform tests of the onboard  
14 diagnostic systems on those vehicles in accordance with section 44012 of the HSC.

15 d. **Section 44059:** Respondent Chakarian willfully made a false entry in a certificate of  
16 compliance by certifying that vehicles had been inspected when, in fact, they had not.

17 Complainant incorporates by reference, paragraphs 22 through 24, as if fully set forth  
18 herein.

19 **NINTH CAUSE FOR DISCIPLINE**

20 **(Failure to Comply with Regulations Pursuant**

21 **to the Motor Vehicle Inspection Program)**

22 **(As to Smog Check Inspector License No. EO 639614)**

23 34. Respondent Chakarian's Smog Check Inspector License is subject to disciplinary  
24 action pursuant to Health and Safety Code section 44072.2, subdivision (c), in that Respondent  
25 Chakarian failed to comply with provisions of California Code of Regulations, title 16, as  
26 follows:

27 a. **Section 3340.30, subdivision (a):** Respondent Chakarian failed to inspect and test the  
28 vehicles identified in paragraph 23 above, in accordance with Health and Safety Code sections

1 44012 and 44035, and California Code of Regulations, title 16, section 3340.42.

2 b. **Section 3340.41, subdivision (c):** Respondent Chakarian knowingly entered false  
3 information into the emissions inspection system for the vehicles identified in paragraph 24  
4 above.

5 Complainant incorporates by reference, paragraphs 22 through 24, as if fully set forth  
6 herein.

7 **TENTH CAUSE FOR DISCIPLINE**

8 **(False Entry on a Certificate of Compliance)**

9 **(As to Smog Check Inspector License No. EO 639614)**

10 35. Respondent Chakarian's Smog Check Inspector license is subject to discipline  
11 pursuant to Bus. & Prof. Code section 9889.22, in that Respondent willfully made false  
12 statements or entries with regard to a material matter in any oath, affidavit, certificate of  
13 compliance or noncompliance.

14 36. Complainant refers to, and by this reference incorporates, the allegations contained in  
15 paragraph 22 through 24, as though set forth fully herein.

16 **ELEVENTH CAUSE FOR DISCIPLINE**

17 **(Fraud)**

18 **(As to Smog Check Inspector License No. EO 639614)**

19 37. Respondent Chakarian's Smog Check Inspector license is subject to discipline  
20 pursuant to Bus. & Prof. Code section 44072.2, subdivision (d) and 44072.10, subdivision (c), in  
21 that Respondent committed acts involving dishonesty, fraud, or deceit whereby another was  
22 injured by issuing electronic certificates of compliance for those vehicles without performing  
23 bona fide inspections of the emission control devices and systems on the vehicles, thereby  
24 depriving the People of the State of California of the protection afforded by the Motor Vehicle  
25 Inspection Program.

26 Complainant refers to, and by this reference incorporates, the allegations contained in  
27 paragraph 22 through 24, as though set forth fully herein.

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**SECOND DATA REVIEW**

38. A Bureau representative initiated a further review of Smog Check data in which he reviewed OIS test data for Respondent Abe’s Auto Repair. The supplemental investigation revealed that the data related to certain vehicles certified by Respondent Abe’s Auto Repair contained a pattern of unmistakable discrepancies between the information transmitted during the inspections and documented information known about the subject vehicles. Specifically, the representative compared the data received from the certified vehicles to data from vehicles of the same year, make, and model and determined that the data from fourteen of the certified vehicles contained two or more of the following unmistakable discrepancies: (1) missing eVINs; (2) incorrect vehicle communication protocols; and (3) incorrect PID counts. These documented discrepancies confirm that the vehicles receiving smog certificates from Respondent Abe’s Auto Repair were fraudulently tested during the smog inspection using the clean plugging method. Clean plugging refers to the use of another vehicle’s properly functioning On Board Diagnostic, generation II, (OBD II) system, or another source, to generate passing diagnostic readings for the purpose of issuing fraudulent smog Certificates of Compliance to vehicles that are not in smog compliance or were not present for testing.

39. The following table illustrates the documented clean plugging activities of Respondents from December 21, 2021 through May 24, 2022.

No.	Test Date	Vehicle Certified & VIN/Plate No.	Certificate No.	Technician	OIS Test Data Details
1.	12/21/21	2002 Mercedes Benz S 430 VIN: WDBNG70J02A280744	SK386141C	Respondent Chakarian  (EO 639614)	Comm. Protocol: KWPF (Expected: KWPF)  PID Count: 95 (Expected: 22 or 24)  eVIN: not reported  Not expected

No.	Test Date	Vehicle Certified & VIN/Plate No.	Certificate No.	Technician	OIS Test Data Details
2.	1/06/22	2014 Chevrolet Impala LS VIN: 1G11Y5SL7EU104978	SM035066C	Respondent Chakarian  (EO 639614)	Comm. Protocol: ICAN11bt5 (Expected: ICAN11bt5)  PID Count: 95 Expected: 43/4/5 or 44/4/5)  eVIN: 1G11Y5SL7EU 104978  1G11Y5SL7EU 104978
3.	1/14/22	2003 Lexus ES300 VIN: JTHBF30G930112823	SM035077C	Respondent Chakarian  (EO 639614)	Comm. Protocol: I914 (Expected: I914)  PID Count: 95 Expected: 21)  eVIN: not reported  Not Expected
4.	2/24/22	2004 Nissan Xterra XE VIN: 5N1ED28T54C636644	SM934817C	Respondent Chakarian  (EO 639614)	Comm. Protocol: I914 (Expected: I914)  PID Count: 95 Expected: 22  eVIN: not reported  Not expected

No.	Test Date	Vehicle Certified & VIN/Plate No.	Certificate No.	Technician	OIS Test Data Details
5.	3/8/22	2006 Toyota Tacoma Double Cab PreRunner Long Bed VIN: 3TMKU72N76M006642	SM934841C	Respondent Chakarian  (EO 639614)	Comm. Protocol: ICAN11bt5 (Expected: ICAN11bt5)  PID Count: 95 Expected: 46  eVIN: 3TMKU72N76 M006642  3TMKU72N76 M006642
6.	3/23/22	2004 Ford F250 Super Duty VIN: 1FTNX20P64EB71225	SO152426C	Respondent Chakarian  (EO 639614)	Comm. Protocol: ICAN29bt5 (Expected: ICAN11bt5)  PID Count: 95 Expected: 11/6 or 26/6  eVIN: ..... Not expected
7.	4/1/22	2008 Chevrolet Corvette Z06 VIN: 1G1YY26E285130377	SO152448C	Respondent Chakarian  (EO 639614)	Comm. Protocol: ICAN11bt5 (Expected: ICAN11bt5)  PID Count: 95 Expected: 43 or 43/7  eVIN: 1G1YY26E285 130377 1G1YY26E285 130377
8.	4/5/22	2007 Chevrolet Corvette	SO783954C	Respondent	Comm.

No.	Test Date	Vehicle Certified & VIN/Plate No.	Certificate No.	Technician	OIS Test Data Details
		Z06 VIN: 1G1YY26EX75119612		Chakarian (EO 639614)	Protocol: ICAN11bt5 (Expected: ICAN11bt5)  PID Count: 95 Expected: 43  eVIN: 1G1YY26EX75 119612 1G1YY26EX75 119612
9.	4/20/22	2002 Toyota Tacoma Double Cab PreRunner VIN: 5TEGN92N52Z037979	SO783982C	Respondent Chakarian (EO 639614)	Comm. Protocol: I914 (Expected: I914)  PID Count: 95 Expected: 17  eVIN: Not reported Not expected
10	5/3/22	2010 Mercedes Benz E 350 VIN: WDDHF5GBXAA07940 9	SQ550960C	Respondent Chakarian (EO 639614)	Comm. Protocol: KWPF (Expected: ICAN11bt5)  PID Count: 95 Expected: 47/12  eVIN: Not reported WDDHF5GBX AA079409
11	5/13/22	2003 Chevrolet Astro VIN: 1GCDM19X23B133864	SQ550980C	Respondent Chakarian (EO 639614)	Comm. Protocol: I914 (Expected: JVPW)  PID Count: 95 Expected: 20 or 21

No.	Test Date	Vehicle Certified & VIN/Plate No.	Certificate No.	Technician	OIS Test Data Details
					eVIN: Not reported 1GCDM19X23 B133864
12	5/13/22	2007 BMW 550I VIN: WBANB53537CP07927	SQ550981C	Respondent Chakarian  (EO 639614)	Comm. Protocol: KWPF (Expected: KWPF)  PID Count: 95 Expected: 21, 21/14 or 21/7  eVIN: Not reported WBANB53537 CP07927
13	5/17/22	2011 Chrysler 300 VIN: 2C3CA4CG0BH518154	SQ550994C	Respondent Chakarian  (EO 639614)	ICAN11bt5 (Expected: ICAN11bt5)  PID Count: 95 Expected: 41/12  eVIN: 2C3CA4CG0B H518154 2C3CA4CG0B H518154
14	5/24/22	2010 Chevrolet Silverado C1500 VIN: 1GCPCPEX3AZ196257	SQ858210C	Respondent Chakarian  (EO 639614)	ICAN11bt5 (Expected: ICAN11bt5)  PID Count: 95 Expected: 43/7  eVIN: 1GCPCPEX3A Z196257 1GCPCPEX3A Z196257

1 **TWELFTH CAUSE FOR DISCIPLINE**

2 **(Untrue or Misleading Statements)**

3 **(As to Automotive Repair Dealer Registration No. 277740)**

4 40. Respondent Abe's Auto Repair's Automotive Repair Dealer Registration is subject  
5 to disciplinary action pursuant to Business and Professions Code section 9884.7, subdivision  
6 (a)(1), in that Respondent made or authorized statements which Respondent knew or in the  
7 exercise of reasonable care should have known to be untrue or misleading.

8 41. Respondent Abe's Auto Repair certified that the fourteen (14) vehicles identified in  
9 paragraph 39 above, had passed inspection and were in compliance with applicable laws and  
10 regulations. In fact, Respondent Abe's Auto Repair conducted the inspections of the seven  
11 vehicles identified in paragraph 39 above, using clean-plugging methods in that it substituted or  
12 used a different vehicle(s), or another source, or failed to report the results of the vehicles  
13 identified during the OBD II functional tests in order to issue smog certificates of compliance for  
14 the vehicles. Respondent Abe's Auto Repair did not test or inspect any of the seven vehicles as  
15 required by Health and Safety Code section 44012. Complainant incorporates by reference,  
16 paragraphs 38 through 39, as if fully set forth herein.

17 **THIRTEENTH CAUSE FOR DISCIPLINE**

18 **(Fraud)**

19 **(As to Automotive Repair Dealer Registration No. 277740)**

20 42. Respondent Abe's Auto Repair's Automotive Repair Dealer Registration is subject  
21 to disciplinary action pursuant to Business and Professions Code section 9884.7, subdivision  
22 (a)(4), in that Respondent Abe's Auto Repair committed acts that constitute fraud by issuing  
23 electronic smog certificates of compliance for the fourteen vehicles identified in paragraph 39  
24 above, without performing bona fide inspections of the emission control devices and systems on  
25 the vehicles, thereby depriving the People of the State of California of the protection afforded by  
26 the Motor Vehicle Inspection Program. Complainant incorporates by reference, paragraphs 38  
27 through 39, as if fully set forth herein.

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1 **FOURTEENTH CAUSE FOR DISCIPLINE**

2 **(Material Violation of Automotive Repair Act)**

3 **(As to Automotive Repair Dealer Registration No. 277740)**

4 43. Respondent Abe's Auto Repair's Automotive Repair Dealer Registration is subject  
5 to disciplinary action pursuant to Business and Professions Code section 9884.7, subdivision  
6 (a)(6), in that Respondent Abe's Auto Repair failed in a material respect to comply with the  
7 provisions of this chapter or regulations adopted pursuant to it when he issued electronic  
8 certificates of compliance for the fourteen vehicles identified in paragraph 39 above, without  
9 performing bona fide inspections of the emission control devices and systems on those vehicles,  
10 thereby depriving the People of the State of California of the protection afforded by the Motor  
11 Vehicle Inspection Program. Complainant incorporates by reference, paragraphs 38 through 39,  
12 as if fully set forth herein.

13 **FIFTEENTH CAUSE FOR DISCIPLINE**

14 **(False Statements on a Certificate of Compliance)**

15 **(As to Automotive Repair Dealer Registration No. 277740)**

16 44. Respondent Abe's Auto Repair's Automotive Repair Dealer registration is subject  
17 to discipline under BPC section 9889.22, in that Respondent made false statements with regard to  
18 a material matter in a certificate of compliance when issuing electronic smog certificates of  
19 compliance for the vehicles identified in paragraph 39 above. Complainant incorporates by  
20 reference, paragraphs 38 through 39, as if fully set forth herein.

21 **SIXTEENTH CAUSE FOR DISCIPLINE**

22 **(Violations of the Motor Vehicle Inspection Program)**

23 **(As to Smog Check Station License No. RC 277740)**

24 45. Respondent Abe's Auto Repair's Smog Check Station License is subject to  
25 disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (a), in that  
26 Respondent Abe's Auto Repair failed to comply with the following sections of that Code:

27 a. Section 44012, subdivision (a): Respondent Abe's Auto Repair failed to ensure  
28 that the emission control tests were in accordance with procedures prescribed by the department.



1 **EIGHTEENTH CAUSE FOR DISCIPLINE**

2 (Fraud)

3 (As to Smog Check Station License No. RC. 277740)

4 47. Respondent Abe's Auto Repair's Smog Check Station License is subject to  
5 disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (d) and  
6 44072.10, subdivision (c), in that Respondent Abe's Auto Repair committed acts involving  
7 dishonesty, fraud, or deceit whereby another was injured by issuing electronic certificates of  
8 compliance for those vehicles without performing bona fide inspections of the emission control  
9 devices and systems on the vehicles, thereby depriving the People of the State of California of the  
10 protection afforded by the Motor Vehicle Inspection Program.

11 Complainant refers to, and by this reference incorporates, the allegations contained in  
12 paragraph 38 through 39, as though set forth fully herein.

13 **NINETEENTH CAUSE FOR DISCIPLINE**

14 (Violations of the Motor Vehicle Inspection Program)

15 (As to Smog Check Inspector License No. EO 639614)

16 48. Respondent Chakarian's Smog Check Inspector License is subject to disciplinary  
17 action pursuant to Health and Safety Code section 44072.2, subdivision (a), in that Respondent  
18 Herrera-Ballesteros failed to comply with the following sections of that Code:

19 a. Section 44012, subdivision (a): Respondent Chakarian failed to ensure that the  
20 emission control tests were in accordance with procedures prescribed by the department.

21 b. Section 44012, subdivision (f): Respondent Chakarian failed perform a visual  
22 and/or functional check of required emission control devices.

23 c. Section 44032: Respondent Chakarian failed to perform tests of the onboard  
24 diagnostic systems on those vehicles in accordance with section 44012 of the HSC.

25 d. Section 44059: Respondent Chakarian willfully made a false entry in a certificate  
26 of compliance by certifying that vehicles had been inspected when, in fact, they had not.

27 Complainant incorporates by reference, paragraphs 38 through 39, as if fully set forth herein.

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1 **TWENTIETH CAUSE FOR DISCIPLINE**

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

4 **(As to Smog Check Inspector License No. EO 639614)**

5 49. Respondent Chakarian's Smog Check Inspector License is subject to disciplinary  
6 action pursuant to Health and Safety Code section 44072.2, subdivision (c), in that Respondent  
7 Chakarian failed to comply with provisions of California Code of Regulations, title 16, as  
8 follows:

9 a. Section 3340.30, subdivision (a): Respondent Chakarian failed to inspect and test  
10 the vehicles identified in paragraph 23 above, in accordance with Health and Safety Code sections  
11 44012 and 44035, and California Code of Regulations, title 16, section 3340.42.

12 b. Section 3340.41, subdivision (c): Respondent Chakarian knowingly entered false  
13 information into the emissions inspection system for the vehicles identified in paragraph 39  
14 above.

15 Complainant incorporates by reference, paragraphs 38 through 39, as if fully set forth  
16 herein.

17 **TWENTY FIRST CAUSE FOR DISCIPLINE**

18 **(False Entry on a Certificate of Compliance)**

19 **(As to Smog Check Inspector License No. EO 639614)**

20 50. Respondent Chakarian's Smog Check Inspector license is subject to discipline  
21 pursuant to Bus. & Prof. Code section 9889.22, in that Respondent willfully made false  
22 statements or entries with regard to a material matter in any oath, affidavit, certificate of  
23 compliance or noncompliance.

24 Complainant refers to, and by this reference incorporates, the allegations contained in  
25 paragraph 38 through 39, as though set forth fully herein.

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1 **TWENTY SECOND CAUSE FOR DISCIPLINE**

2 (Fraud)

3 (As to Smog Check Inspector License No. EO 639614)

4 51. Respondent Chakarian's Smog Check Inspector license is subject to discipline  
5 pursuant to Bus. & Prof. Code section 44072.2, subdivision (d) and 44072.10, subdivision (c), in  
6 that Respondent committed acts involving dishonesty, fraud, or deceit whereby another was  
7 injured by issuing electronic certificates of compliance for those vehicles without performing  
8 bona fide inspections of the emission control devices and systems on the vehicles, thereby  
9 depriving the People of the State of California of the protection afforded by the Motor Vehicle  
10 Inspection Program.

11 Complainant refers to, and by this reference incorporates, the allegations contained in  
12 paragraph 38 through 39, as though set forth fully herein.

13 **OTHER MATTERS**

14 52. Pursuant to Business and Professions Code section 9884.7, subdivision (c), the  
15 Director may suspend, revoke, or place on probation the registration for all places of business  
16 operated in this state by Respondent Abe's Auto Repair, upon a finding that Respondent Abe's  
17 Auto Repair has, or is, engaged in a course of repeated and willful violations of the laws and  
18 regulations pertaining to an automotive repair dealer.

19 53. Pursuant to Health and Safety Code section 44072.8, if Smog Check License No. RC  
20 277740, issued to Respondent Abe's Auto Repair, is revoked or suspended following a hearing  
21 under this article, any additional license issued under Chapter 5 of Part 5 of Division 26 of the  
22 Health and Safety Code in the name of said licensee may be likewise revoked or suspended by the  
23 Director.

24 54. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector  
25 License No. EO 639614, issued to Respondent Chakarian, is revoked or suspended following a  
26 hearing under this article, any additional license issued under Chapter 5 of Part 5 of Division 26  
27 of the Health and Safety Code in the name of said licensee may be likewise revoked or suspended  
28 by the Director.

**PRAYER**

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

1. Revoking or suspending Automotive Repair Dealer Registration Number ARD 277740, issued to Abraham Chakarian, dba Abe's Auto Repair Center;
2. Revoking or suspending Smog Check Station License Number RC 277740, issued to Abraham Chakarian, dba Abe's Auto Repair Center;
3. Revoking or suspending Smog Check Inspector License Number EO 639614, issued to Abraham Chakarian;
4. Revoking or suspending any and all licenses issued under the Motor Vehicle Inspection Program (Health & Saf. Code sec. 44000, et seq.) in the name of Abraham Chakarian pursuant to section 44072.8 of the Health and Safety Code;
5. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of Abe's Auto Repair Center;
6. Ordering Abe's Auto Repair and Abraham Chakarian 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,
7. Taking such other and further action as deemed necessary and proper.

DATED: As of Digital Signature Date

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

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