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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 In the Matter of the Accusation Against:
13 **EL SMOG**
14 **SARKIS ALAJAJYAN, OWNER**
15 **857 N. Maclay Avenue # 4**
16 **San Fernando, CA 91340**
17 **Automotive Repair Dealer Registration No. ARD**
279670
Smog Check Station No. RC 279670
Lamp Station, Class A, Lic. No. LS 279670 class A
Brake Station, Class C, Lic. No. BS 279670 class C

18 **and**

19 **SARKIS ALAJAJYAN**
20 **1620 N. San Fernando Blvd. #45**
21 **Burbank, CA 91504**
22 **Lamp Adjuster Class A Lic. No. LA 637248 class A**
Brake Adjuster Class A Lic. No. BA 637248 class C
Smog Check Inspector Lic. No. EO 637248
Smog Check Repair Technician Lic. No. EI 637248

23 Respondents.

Case No. 77/19-13135

ACCUSATION

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PARTIES

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

2. On or about March 19, 2015, the Bureau of Automotive Repair issued Automotive Repair Dealer Registration Number ARD279670 to Sarkis Alajajyan, dba El Smog (Respondent El Smog). The Automotive Repair Dealer Registration was in full force and effect at all times relevant to the charges brought herein and will expire on March 31, 2021, unless renewed.

3. On or about January 25, 2018, the Bureau of Automotive Repair issued Smog Check Test and Repair Station Number RC 279670 to Sarkis Alajajyan, dba El Smog (Respondent El Smog). The Smog Check Test and Repair Station was in full force and effect at all times relevant to the charges brought herein and will expire on March 31, 2021, unless renewed.

4. On or about January 25, 2018, the Bureau of Automotive Repair issued Lamp Station License Number LS 279670, class A to Sarkis Alajajyan, dba El Smog (Respondent El Smog). The Lamp Station License was in full force and effect at all times relevant to the charges brought herein and will expire on March 31, 2021, unless renewed.

5. On or about January 25, 2018, the Bureau of Automotive Repair issued Brake Station License Number BS 279670, class C to Sarkis Alajajyan, dba El Smog (Respondent El Smog). The Brake Station License was in full force and effect at all times relevant to the charges brought herein and will expire on March 31, 2021, unless renewed.

6. On or about August 28, 2014, the Bureau of Automotive Repair issued Smog Check Inspector License Number EO 637248 to Sarkis Alajajyan (Respondent Alajajyan). The Smog Check Inspector License was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2020, unless renewed.

7. On or about October 17, 2017, the Bureau of Automotive Repair issued Smog Check Repair Technician License Number EI 637248 to Sarkis Alajajyan (Respondent Alajajyan). The Smog Check Repair Technician License was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2021, unless renewed.

8. On or about October 30, 2015, the Bureau of Automotive Repair issued Brake Adjuster License Number BA 637248, class C to Sarkis Alajajyan (Respondent Alajajyan). The Brake Adjuster License expired on October 31, 2019, and has not been renewed.

9. On or about November 12, 2015, the Bureau of Automotive Repair issued Lamp Adjuster License Number LA 637248, class A to Sarkis Alajajyan (Respondent Alajajyan). The Lamp Adjuster License expired on October 31, 2019, and has not been renewed.

JURISDICTION

9. This Accusation is brought before the Director of the Department of Consumer Affairs (Director) for the Bureau of Automotive Repair, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

10. Business and Professions Code section 118, subdivision (b), of the Code provides that the suspension, expiration, surrender or cancellation of a license shall not deprive the Registrar of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

11. Business and Professions Code section 477 provides that “Board” includes, among other things, “bureau,” “department,” “division,” “program,” and “agency;” “License” includes, among other things, “registration” or other means to engage in a business or profession regulated by the Business and Professions Code.

12. Section 9884.13 of the Code provides, in pertinent part, that the expiration of a valid registration shall not deprive the Director of jurisdiction to proceed with a disciplinary proceeding against an automotive repair dealer or to render a decision invalidating a registration temporarily or permanently.

13. Section 9884.20 of the Code states:

All accusations against automotive repair dealers shall be filed within three years after the performance of the act or omission alleged as the ground for disciplinary action, except that with respect to an accusation alleging fraud or misrepresentation as a ground for disciplinary action, the accusation may be filed within

two years after the discovery, by the bureau, of the alleged facts constituting the fraud or misrepresentation.

14. Section 9884.22 of the Code states, in pertinent part:

(a) Notwithstanding any other provision of law, the director may revoke, suspend, or deny at any time any registration required by this article on any of the grounds for disciplinary action provided in this article. The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the director shall have all the powers granted therein.

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

16. Section 9889.3 of the Code 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:

(a) Violates any section of the Business and Professions Code which relates to his or her licensed activities.

....

(c) Violates any of the regulations promulgated by the director pursuant to this chapter.

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

17. Section 9889.5 of the Code provides that the director may take disciplinary action against any licensee after a hearing by any of the following: imposing probation upon terms and conditions to be set forth by the director, suspending the license, or revoking the license.

18. Section 9889.7 of the Code provides, in pertinent part, that the expiration or suspension of a license by operation of law or by order or decision of the Director or a court of law, or the voluntary surrender of a license shall not deprive the Director of jurisdiction to proceed with any disciplinary proceedings.

19. Section 9889.8 of the Code states:

1 All accusations against licensees shall be filed within three
2 years after the act or omission alleged as the ground for
3 disciplinary action, except that with respect to an accusation
4 alleging a violation of subdivision (d) of Section 9889.3, the
5 accusation may be filed within two years after the discovery by the
6 bureau of the alleged facts constituting the fraud or
7 misrepresentation prohibited by that section.

8
9 20. Section 9889.9 of the Code states, "When any license has been revoked or suspended
10 following a hearing under the provisions of this article, any additional license issued under
11 Articles 5 and 6 of this chapter in the name of the licensee may be likewise revoked or suspended
12 by the director."

13 21. Section 44002 of the Health and Safety Code states:

14 The department shall have the sole and exclusive authority
15 within the state for developing and implementing the motor vehicle
16 inspection program in accordance with this chapter.

17 For the purposes of administration and enforcement of this
18 chapter, the department, and the director and officers and
19 employees thereof, shall have all the powers and authority granted
20 under Division 1 (commencing with Section 1) and Division 1.5
21 (commencing with Section 475) and Chapter 20.3 (commencing
22 with Section 9880) of Division 3 of the Business and Professions
23 Code and under Chapter 33 (commencing with Section 3300) of
24 Title 16 of the California Code of Regulations. Inspections and
25 repairs performed pursuant to this chapter, in addition to meeting
26 the specific requirements imposed by this chapter, shall also
27 comply with all requirements imposed pursuant to Division 1
28 (commencing with Section 1) and Division 1.5 (commencing with
Section 475) and Chapter 20.3 (commencing with Section 9880) of
Division 3 of the Business and Professions Code and Chapter 33
(commencing with Section 3300) of Title 16 of the California
Code of Regulations.

29 22. Section 44072.4 of the Health and Safety Code provides that the director may take
30 disciplinary action against any licensee after a hearing by imposing probation, suspending the
31 license, or revoking the license.

32 23. Section 44072.6 of the Health and Safety Code states:

33 The expiration or suspension of a license by operation of law
34 or by order or decision of the director or a court of law, or the
35 voluntary surrender of a license by a licensee shall not deprive the

1 director of jurisdiction to proceed with any investigation of, or
2 action or disciplinary proceedings against, the licensee, or to
3 render a decision suspending or revoking the license.

4 24. Section 44072.7 of the Health and Safety Code states:

5 All accusations against licensees shall be filed within three
6 years after the act or omission alleged as the ground for
7 disciplinary action, except that with respect to an accusation
8 alleging a violation of subdivision (d) of Section 44072.2, the
9 accusation may be filed within two years after the discovery by the
10 bureau of the alleged facts constituting the fraud or
11 misrepresentation prohibited by that section.

12 **STATUTORY PROVISIONS**

13 25. Business and Professions Code section 9884.7 states:

14 (a) The director, where the automotive repair dealer cannot
15 show there was a bona fide error, may deny, suspend, revoke, or
16 place on probation the registration of an automotive repair dealer
17 for any of the following acts or omissions related to the conduct of
18 the business of the automotive repair dealer, which are done by the
19 automotive repair dealer or any automotive technician, employee,
20 partner, officer, or member of the automotive repair dealer.

21 (1) Making or authorizing in any manner or by any means
22 whatever any statement written or oral which is untrue or
23 misleading, and which is known, or which by the exercise of
24 reasonable care should be known, to be untrue or misleading.

25 . . .

26 (3) Failing or refusing to give to a customer a copy of any
27 document requiring his or her signature, as soon as the customer
28 signs the document.

(4) Any other conduct which constitutes fraud.

. . .

(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.

1 26. Section 9889.16 of the Code states:

2 Whenever a licensed adjuster in a licensed station upon an
3 inspection or after an adjustment, made in conformity with the
4 instructions of the bureau, determines that the lamps or the brakes
5 upon any vehicle conform with the requirements of the Vehicle
6 Code, he shall, when requested by the owner or driver of the
7 vehicle, issue a certificate of adjustment on a form prescribed by
8 the director, which certificate shall contain the date of issuance, the
9 make and registration number of the vehicle, the name of the
10 owner of the vehicle, and the official license of the station.

11 27. Health and Safety Code section 44072.2, subdivision (d) provides that the director
12 may suspend, revoke, or take other disciplinary action against a license if the licensee, or any
13 partner, officer, or director commits any act involving dishonesty, fraud, or deceit whereby
14 another is injured.

15 28. Health and Safety Code section 44072.8, states “When a license has been revoked or
16 suspended following a hearing under this article, any additional license issued under this chapter
17 in the name of the licensee may be likewise revoked or suspended by the director.”

18 29. Health and Safety Code section 44072.10 states:

19 (a) Notwithstanding Sections 44072 and 44072.4, the
20 director, or the director's designee, pending a hearing conducted
21 pursuant to subdivision (e), may temporarily suspend any smog
22 check station or technician's license issued under this chapter, for a
23 period not to exceed 60 days, if the department determines that the
24 licensee's conduct would endanger the public health, safety, or
25 welfare before the matter could be heard pursuant to subdivision
26 (e), based upon reasonable evidence of any of the following:

27 (1) Fraud.

28 (2) Tampering.

 (3) Intentional or willful violation of this chapter or any
regulation, standard, or procedure of the department implementing
this chapter.

 (4) A pattern or regular practice of violating this chapter or
any regulation, standard, or procedure of the department
implementing this chapter.

...

 (c) The department shall revoke the license of any smog
check technician or station licensee who fraudulently certifies

vehicles or participates in the fraudulent inspection of vehicles. A fraudulent inspection includes, but is not limited to, all of the following:

...

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

REGULATORY PROVISIONS

30. California Code of Regulations, title 16, section 3305, subdivision (a) states:

(a) All adjusting, inspecting, servicing, and repairing of brake systems and lamp systems for the purpose of issuing any certificate of compliance or adjustment shall be performed in official stations, by official adjusters, in accordance with the following, in descending order of precedence, as applicable:

(1) Vehicle Manufacturers' current standards, specifications and recommended procedures, as published in the manufacturers' vehicle service and repair manuals.

(2) Current standards, specifications, procedures, directives, manuals, bulletins and instructions issued by vehicle and equipment or device manufacturers.

(3) Standards, specifications and recommended procedures found in current industry-standard reference manuals and periodicals published by nationally recognized repair information providers.

(4) The bureau's *Handbook for Brake Adjusters and Stations*, May 2015, which is hereby incorporated by reference.

(5) The bureau's *Handbook for Lamp Adjusters and Stations*, May 2015, which is hereby incorporated by reference. (Italics in original.)

31. California Code of Regulations, title 16, section 3316 states:

The operation of official lamp adjusting stations shall be subject to the following provisions:

...

(d) Issuance of a lamp adjustment certificate shall be in accordance with the following provisions:

...

(2) Where all of the lamps, lighting equipment, and related electrical systems on a vehicle have been inspected and found to be

1 in compliance with all requirements of the Vehicle Code and
2 bureau regulations, the certificate shall certify that the entire
3 system meets all of those requirements.

32. California Code of Regulations, title 16, section 3321 states:

4 The operation of official brake adjusting stations shall be
5 subject to the following provisions:

6 . . .

7 (c) Issuance of a brake adjustment certificate shall be in
8 accordance with the following provisions:

9 . . .

10 (2) Where the entire brake system on any vehicle has been
11 inspected or tested and found to be in compliance with all
12 requirements of the Vehicle Code and bureau regulations, and the
13 vehicle has been road-tested, the certificate shall certify that the
14 entire system meets all such requirements.

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

15 No automotive repair dealer or individual in charge shall, in
16 filling out an estimate, invoice, or work order, or record required to
17 be maintained by section 3340.15(e) of this chapter, withhold
18 therefrom or insert therein any statement or information which will
19 cause any such document to be false or misleading, or where the
20 tendency or effect thereby would be to mislead or deceive
21 customers, prospective customers, or the public.

34. California Code of Regulations, title 16, section 3395.4 states:

22 In reaching a decision on a disciplinary action under the
23 Administrative Procedure Act (Government Code Section 11400 et
24 seq.), including formal hearings conducted by the Office of
25 Administrative Hearing, the Bureau of Automotive Repair shall
26 consider the disciplinary guidelines entitled 'Guidelines for
27 Disciplinary Penalties and Terms of Probation' [May, 1997] which
28 are hereby incorporated by reference. The 'Guidelines for
Disciplinary Penalties and Terms of Probation' are advisory.
Deviation from these guidelines and orders, including the standard
terms of probation, is appropriate where the Bureau of Automotive
Repair in its sole discretion determines that the facts of the
particular case warrant such deviation -for example: the presence
of mitigating factors; the age of the case; evidentiary problems.

COST RECOVERY

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

August 15, 2019 and September 19, 2019 Undercover Runs

36. On August 15, 2019, at approximately 1:03 p.m., a Bureau undercover operator drove a 2007 Nissan and arrived at Respondent El Smog station for the purpose of investigating whether Respondents were performing inspections in accordance with the law. The Bureau had previously documented introduced malfunctions that would prevent the 2007 Nissan from passing a properly conducted a brake inspection. The Bureau's undercover operator informed Respondent Alajajyan that she needed brake and lamp inspections performed on the 2007 Nissan. The undercover operator signed the estimate she was provided with before the inspections began on the 2007 Nissan. The undercover operator did not observe the 2007 Nissan being lifted up on a hoist or the wheels being removed. The vehicle was also not taken on a test drive. The undercover operator paid \$83.25 and received an invoice and certificate of compliance.

37. On September 19, 2019, at approximately 9:32 a.m., a Bureau undercover operative drove the 2001 Nissan and arrived at Respondent El Smog station for a brake inspection. The undercover operator requested a brake inspection be performed on the vehicle. The undercover operator signed the estimate she was provided with before the inspection on the 2001 Nissan. The undercover operator did not observe the 2001 Nissan being lifted up on a hoist or the wheels being removed. The vehicle was also not taken on a test drive. The undercover operator paid \$83.25 and received an invoice and certificate of compliance.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Untrue and Misleading Statements)**

3 38. Complainant re-alleges and incorporates by reference the allegations set forth above
4 in paragraphs 36-37, inclusive.

5 39. Respondent El Smog's ARD registration is subject to disciplinary action under
6 Business and Professions Code section 9884.7 subdivision (a)(1), in that Respondent El Smog
7 made or authorized untrue or misleading statements, which were known, or which by the exercise
8 of reasonable care should have been known, to be untrue or misleading as follows:

9 a. Respondent El Smog Smog stated and certified that the brake system for the 2007
10 Nissan and 2001 Nissan were in compliance, when both systems should have failed properly
11 performed brake and lamp inspections.

12 b. Respondent El Smog represented that the brake system for both vehicles had been
13 inspected and were in passable condition, when in fact the systems had not been properly
14 inspected.

15 **SECOND CAUSE FOR DISCIPLINE**

16 **(Fraud)**

17 40. Complainant re-alleges and incorporates by reference the allegations set forth above
18 in paragraphs 36-37, inclusive.

19 41. Respondent El Smog's ARD registration is subject to disciplinary action under
20 Business and Professions Code section 9884.7, subdivision (a) (4), in that Respondent El Smog
21 committed acts which constitute fraud as follows:

22 a. Respondent El Smog misrepresented to the undercover operator that the brake
23 systems for the 2007 Nissan and 2001 Nissan had been inspected and they were in passable
24 condition; Respondent El Smog knew that in fact the brake systems had not been properly
25 inspected; Respondent El Smog intended the undercover operator to rely on this
26 misrepresentation; Respondent El Smog charged for the brake inspections and certification
27 services and accepted payment.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Failure to Comply with Provisions of Automobile Repair Act)**

3 42. Complainant re-alleges and incorporates by reference the allegations set forth above
4 in paragraphs 36-37, inclusive.

5 43. Respondent El Smog's ARD registration is subject to disciplinary action under
6 Business and Professions Code section 9884.7, subdivision (a)(6), in that Respondent El Smog
7 failed in a material respect to comply with the provisions of the Automobile Act (Business and
8 Professions Code section 9880 et seq.) or regulations adopted pursuant to it. Respondent failed to
9 comply with the following Code sections:

10 a. ***Business and Professions Code section 9889.16:*** in that Respondent issued brake
11 adjustment certificates to non-conforming vehicles;

12 **FOURTH CAUSE FOR DISCIPLINE**

13 **(Failure to Comply with Regulations)**

14 44. Complainant re-alleges and incorporates by reference the allegations set forth above
15 in paragraphs 36-37, inclusive.

16 45. Respondent El Smog's ARD registration is subject to disciplinary action under
17 Business and Professions Code section 9884.7, subdivision (a)(6), in that Respondent El Smog
18 failed in a material respect to comply with the provisions of the Automobile Act (Business and
19 Professions Code section 9880 et seq.) or regulations adopted pursuant to it. Respondent failed to
20 comply with the following regulations:

21 a. ***California Code of Regulations, title 16, section 3321, subdivision (c)(2):***
22 Respondent falsely issued brake certificates stating the brake systems had been inspected in
23 accordance with the Vehicle Code and Bureau requirements;

24 b. ***California Code of Regulations, title 16, section 3373:*** Respondent filled out an
25 estimate, invoice, or work order, withheld therefrom or inserted therein a statement or
26 information which would cause any such document to be false or misleading to the Bureau's
27 undercover operator.

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1 **FIFTH CAUSE FOR DISCIPLINE**

2 **(Certificates Issued to Non-Conforming Vehicle)**

3 46. Complainant re-alleges and incorporates by reference the allegations set forth above
4 in paragraphs 36-37, inclusive.

5 47. Respondent El Smog's Brake and Lamp Station Licenses are subject disciplinary
6 action under Business and Professions Code section 9889.16 and California Code of Regulations,
7 title 16, section 3316, subdivision (d)(2), and section 3321, subdivision (c)(2) in that upon an
8 inspection or after an adjustment purportedly made in conformity with the instructions of the
9 Bureau, Respondent El Smog's issued brake certificates of adjustment to vehicles that
10 purportedly conformed with the requirements of the Vehicle Code and Bureau regulations, when
11 in fact and in truth the vehicles did not conform with these requirements.

12 **SIXTH CAUSE FOR DISCIPLINE**

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

14 48. Complainant re-alleges and incorporates by reference the allegations set forth above
15 in paragraphs 36-37, inclusive.

16 49. Respondent El Smog's Brake and Lamp Station Licenses are subject disciplinary
17 action under Business and Professions Code section 9889.3, subdivisions (a) and (d); and
18 California Code of Regulations, title 16, section 3373; likewise Respondent El Smog Smog
19 Check Station License is subject to disciplinary action under Health and Safety Code section
20 44072.2, subdivision (d); and section 44072.10, subdivision (a) and (c), in that Respondent El
21 Smog committed dishonest, fraudulent, or deceitful acts whereby another is injured by issuing
22 certificates of adjustment for vehicles without performing bona fide inspections of them, thereby
23 depriving the People of the State of California of the protection afforded by the Automotive
24 Repair Act.

25 **SEVENTH CAUSE FOR DISCIPLINE**

26 **(Violation of Regulations)**

27 50. Complainant re-alleges and incorporates by reference the allegations set forth above
28 in paragraphs 36-37, inclusive.

51. Respondent El Smog Brake and Lamp Station Licenses are subject disciplinary action under Business and Professions Code section 9889.3, subdivision (c), in that Respondent violated the following Regulations:

a. *California Code of Regulations, title 16, section 3321, subdivision (c)(2):*

Respondent falsely issued brake certificates stating the brake systems had been inspected in accordance with the Vehicle Code and Bureau requirements;

b. ***California Code of Regulations, title 16, section 3373***: Respondent filled out an estimate, invoice, or work order, withheld therefrom or inserted therein a statement or information which would cause any such document to be false or misleading to the Bureau's undercover operator.

EIGHTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud, or Deceit)

52. Complainant re-alleges and incorporates by reference the allegations set forth above in paragraphs 36-37, inclusive.

53. Respondent Smog Check Test and Repair Station Number RC 279670 is subject disciplinary action under Business and Professions Code section 9889.3, subdivisions (a) and (d); and California Code of Regulations, title 16, section 3373; likewise Respondent El Smog Smog Check Station License is subject to disciplinary action under Health and Safety Code section 44072.2, subdivision (d); and section 44072.10, subdivision (a) and (c), in that Respondent El Smog committed dishonest, fraudulent, or deceitful acts whereby another is injured by issuing certificates of adjustment for vehicles without performing bona fide inspections of them, thereby depriving the People of the State of California of the protection afforded by the Automotive Repair Act.

NINTH CAUSE FOR DISCIPLINE

(Violation of the Business and Professions Code)

54. Complainant re-alleges and incorporates by reference the allegations set forth above in paragraphs 36-37, inclusive.

55. Respondent Alajajyan's brake adjuster license and lamp adjuster license are subject to disciplinary action under Business and Professions Code section 9889.3, subdivision (a), in that Respondent Alajajyan's issued a brake adjustment certificates to non-conforming vehicles in violation of Business and Professions Code section 9889.16.

TENTH CAUSE FOR DISCIPLINE

(Violation of Regulations)

56. Complainant re-alleges and incorporates by reference the allegations set forth above in paragraphs 36-37, inclusive.

57. Respondent Alajajyan's brake adjuster license and lamp adjuster license are subject to disciplinary action under Business and Professions Code section 9889.3, subdivision (c), in that Respondent Morales violated the following regulations:

a. ***California Code of Regulations, title 16, section 3305, subdivision (a)***: Respondent failed to adjust, inspect, service, or repair brake systems in accordance with current standards, specifications, and instructions issued by the Bureau and the vehicle manufacturer;

b. *California Code of Regulations, title 16, section 3321, subdivision (c)(2):*
Respondent falsely issued brake certificates stating the brake systems had been inspected in accordance with the Vehicle Code and Bureau requirements;

ELEVENTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud, or Deceit)

58. Complainant re-alleges and incorporates by reference the allegations set forth above in paragraphs 36-37, inclusive.

59. Respondent Alajajyan's brake adjuster license and lamp adjuster license are subject to disciplinary action under Business and Professions Code section 9889.3, subdivision (d); 9889.16; and California Code of Regulations, title 16, section 3316, subdivision (d)(2); and section 3321, subdivision (c)(2) in that upon an inspection or after an adjustment purportedly made in conformity with the instructions of the Bureau, he issued brake certificates of adjustment to vehicles that purportedly conformed with the requirements of the Vehicle Code and Bureau regulations, when in fact and in truth the vehicles did not conform with these requirements.

1 **TWELFTH CAUSE FOR DISCIPLINE**

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

3 60. Complainant re-alleges and incorporates by reference the allegations set forth above
4 in paragraphs 36-37.

5 61. Respondent Alajajyan's Smog Check Inspector License and Smog Check Repair
6 Technician Licenses are subject to disciplinary action under Health and Safety Code section
7 44072.2, subdivision (d) and section 44072.10, subdivision (a) and (c), in that Respondent
8 Alajajyan committed dishonest, fraudulent, or deceitful acts whereby another was injured by
9 issuing certificates of adjustment for a vehicle without performing bona fide inspections of them,
10 thereby depriving the People of the State of California of the protection afforded by the
11 Automotive Repair Act.

12 **OTHER MATTERS**

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

18 63. Under Code section 9889.9, if a license is revoked or suspended following a hearing
19 under Article 7 of the Automotive Repair Act, any additional license issued under Articles 5 and
20 6 in the name of Sarkis Alajajyan, including Lamp Station License Number LS 279670; Brake
21 Station License Number BS 279670 may be likewise revoked or suspended.

22 64. Under Health & Safety Code section 44072.8, if Smog Check Station License
23 Number RC 279670 is revoked or suspended, the Director may likewise revoke or suspend any
24 additional license, issued under Health and Safety Code, Division 26, Part 5, Chapter 5, to Sarkis
25 Alajajyan.

26 65. Under Code section 9889.9, if a license is revoked or suspended following a hearing
27 under Article 7 of the Automotive Repair Act, any additional license issued under Articles 5 and
28

6 in the name of Sarkis Alajajyan, including Lamp Adjuster License Number LA 637248; Brake Adjuster License Number BA 637248, may be likewise revoked or suspended.

66. Under Health and Safety Code section 44072.8, if Sarkis Alajajyan Smog Check Inspector or Smog Check Repair Technician licenses are revoked or suspended, any additional license issued under Health and Safety Code, Division 26, Part 5, Chapter 5, in the name of Sarkis Alajajyan may be likewise revoked or suspended 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 Consumer Affairs issue a decision:

1. Revoking or suspending Automotive Repair Dealer Registration Number ARD279670, issued to Sarkis Alajajyan, dba El Smog;

2. Revoking or suspending any other Automotive Repair Dealer Registration in the name of Sarkis Alajajyan;

3. Smog Check Test and Repair Station Number RC 279670, issued to Sarkis Alajajyan, dba El Smog;

4. Revoking or suspending Lamp Station License Number LS 279670, class A, issued to Sarkis Alajajyan, dba El Smog;

5. Revoking or suspending Brake Station License Number BS 279670, class C, issued to Sarkis Alajajyan, dba El Smog;

6. Revoking or suspending Smog Check Inspector License Number EO 637248, issued to Sarkis Alajajyan;

7. Revoking or suspending Smog Check Repair Technician License Number EI 637248, issued to Sarkis Alajajyan;

8. Revoking or suspending Brake Adjuster License Number BA 637248, class C, issued to Sarkis Alajajyan;

9. Revoking or suspending Lamp Adjuster License Number LA 637248, class A, issued to Sarkis Alajajyan;

- 1 10. Revoking or suspending the registrations for all places of business operated in this
2 state by Sarkis Alajajyan;
- 3 11. Revoking or suspending any additional license issued under Articles 5 and 6 of
4 Chapter 20.3 of the Code in the name of Sarkis Alajajyan;
- 5 12. Revoking or suspending any additional license issued under Health and Safety Code,
6 Division 26, Part 5, Chapter 5, in the name of Sarkis Alajajyan;
- 7 13. Ordering Sarkis Alajajyan to pay the Bureau of Automotive Repair the reasonable
8 costs of the investigation and enforcement of this case, pursuant to Business and Professions
9 Code section 125.3; and,
- 10 14. Taking such other and further action as deemed necessary and proper.

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13 DATED: March 27, 2020

Signature on File

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

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