

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

In the Matter of the Invalidation of STAR
Program Certification of:

**ROBERT AYRAPETYAN, OWNER,
dba SMOG BOY**
3601 Foothill Blvd
La Crescenta, CA 91214

Automotive Repair Dealer Reg. No ARD
226429;
Smog Check, Test Only, Station
License No. TC 226429

Respondent.

Case No. 2014-5414

OAH No. 2014120826
(Consolidated with Case No. 2015070398)

In the Matter of the Petition to Revoke
Probation Against:

**ROBERT AYRAPETYAN, OWNER
dba SMOG BOY**
3601 Foothill Blvd
La Crescenta, CA 91214

Automotive Repair Dealer Reg. No. ARD
226429;
Smog Check, Test Only, Station License
No. TC 226429

STAR Certified

Respondent.

Case No. 79/16-01

OAH No. 2015070398
(Consolidated with Case No. 2014120826)

DECISION

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

This Decision shall become effective

April 26, 2016

DATED: April 1, 2014



TAMARA COLSON
Assistant General Counsel
Department of Consumer Affairs

**Case Management Unit**

10949 North Mather Boulevard, Rancho Cordova, CA 95670

Telephone: (916) 403-8080 Fax: (916) 464-2879 www.bar.ca.gov



M E M O R A N D U M

To : Fred Chan-You
Staff Counsel
DCA Legal

Date: February 10, 2016

Case No: IN2014 5416
IN2015 8926
ARD/TC 226429

From : *William D. Thomas*
William D. Thomas
Program Manager II
Case Management
Bureau of Automotive Repair

RE: STIPULATED SETTLEMENT AND ORDER AGAINST:

c/o ROBERT AYRAPETYAN
SMOG BOY
ARD/TC 226429

ACCUSATION NO. 79/16-01
STAR INVALIDATION IN2014 5414

The attached Stipulated Settlement and Order is submitted for your review. If the Director concurs, and after the necessary signatures, please return to **Rebecca Harris** for processing and service.

Enclosure

OK

1 KAMALA D. HARRIS
Attorney General of California
2 THOMAS L. RINALDI
Supervising Deputy Attorney General
3 CRISTINA FELIX
Deputy Attorney General
4 State Bar No. 195663
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2455
6 Facsimile: (213) 897-2804
E-mail: Cristina.Felix@doj.ca.gov
7 *Attorneys for Complainant*

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

11 In the Matter of the Invalidation of STAR
Program Certification Of:

12 **ROBERT AYRAPETYAN, OWNER**
13 **dba SMOG BOY**
14 **3601 Foothill Blvd**
La Crescenta, CA 91214

15 **Automotive Repair Dealer Reg. No. ARD**
16 **226429; Smog Check, Test Only, Station**
License No. TC 226429

17 Respondent.

Case No. 2014-5414

OAH No. 2014120826
(Consolidated with Case No. 2015070398)

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

18
19 In the Matter of the Petition to Revoke
Probation Against:

20 **ROBERT AYRAPETYAN, OWNER**
21 **dba SMOG BOY**
22 **3601 Foothill Blvd**
La Crescenta, CA 91214

23 **Automotive Repair Dealer Reg. No. ARD**
24 **226429; Smog Check, Test Only, Station**
License No. TC 226429

25 **STAR Certified**

26 Respondent.

Case No. 79/16-01

OAH No. 2015070398
(Consolidated with Case No. 2014120826)

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

3 PARTIES

4 1. Patrick Dorais ("Complainant") is the Chief of the Bureau of Automotive Repair. He
5 brought this action solely in his official capacity and is represented in this matter by Kamala D.
6 Harris, Attorney General of the State of California, by Cristina Felix, Deputy Attorney General.

7 2. Respondent Robert Ayrapetyan, owner, doing business as Smog Boy is represented in
8 this proceeding by attorney Andrew Friedman, Esq., whose address is: 124 No. La Brea Avenue,
9 Los Angeles, CA 90036

10 3. On or about March 28, 2003, the Bureau of Automotive Repair issued Automotive
11 Repair Dealer Registration Number ARD 226429 to Robert Ayrapetyan, owner, dba Smog Boy
12 (Respondent). The Automotive Repair Dealer Registration was in effect at all times relevant to
13 the charges brought herein and will expire on February 29, 2016, unless renewed.

14 4. Respondent was licensed as a Smog Check Test Only Station under SB33, the
15 biennial Smog Check Program implemented March 1984, on May 5, 2003, License No.
16 TC226429. However the station was changed to Test and Repair, so License No. RC226429 was
17 issued on January 8, 2013, and said license expires on February 29, 2016, unless renewed. STAR
18 certification was issued on March 18, 2013.

19 JURISDICTION

20 5. In a disciplinary action entitled "*In the Matter of the Accusation Against Smog Smog*
21 *Boy Test Only*",¹ Case No. 79/13-35, the Director of Consumer Affairs for the Bureau of
22 Automotive Repair, issued a decision, effective February 14, 2014, in which Respondent's
23 Automotive Repair Dealer Registration was revoked. However, the revocation was stayed and
24 Respondent's Automotive Repair Dealer Registration was placed on probation for a period of
25 three (3) years with certain terms and conditions. Respondent was also suspended for five (5)
26 days.

27 ¹ Robert Ayrapetyan, owner, dba Smog Boy Test Only changed its name to Smog Boy on
28 March 7, 2014.

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CULPABILITY

12. Respondent admits the truth of each and every charge and allegation in Petition No. 79/16-01.

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

CONTINGENCY

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

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

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

1 maintaining compliance with the terms and conditions of probation.

2 4. **Report Financial Interest.** Within 30 days of the effective date of this action, report
3 any financial interest which any partners, officers, or owners of the Respondent facility may have
4 in any other business required to be registered pursuant to Section 9884.6 of the Business and
5 Professions Code.

6 5. **Random Inspections.** Provide Bureau representatives unrestricted access to inspect
7 all vehicles (including parts) undergoing repairs, up to and including the point of completion.

8 6. **Jurisdiction.** If an accusation is filed against either Respondent during the term of
9 probation, the Director of Consumer Affairs shall have continuing jurisdiction over this matter
10 until the final decision on the accusation, and the period of probation shall be extended until such
11 decision.

12 7. **Violation of Probation.** Should the Director of Consumer Affairs determine that
13 either Respondent has failed to comply with the terms and conditions of probation, the
14 Department may, after giving notice and opportunity to be heard suspend or revoke the license.

15 8. **Cost Recovery.** The total amount of costs in the original Accusation No. 79/13-35
16 were \$9,829.14. The costs shall be payable in twenty four (24) equal installments with the final
17 payment due twelve (12) months before the termination of probation. Respondents shall be
18 jointly and severally responsible for full cost recovery. Failure to complete payment of cost
19 recovery within the 24-month time frame shall constitute a violation of probation which may
20 subject Respondents' registration and licenses to outright revocation; however, the Director or the
21 Director's Bureau of Automotive Repair designee may elect to continue probation until such time
22 as reimbursement of the entire cost recovery amount has been made to the Bureau.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Andrew Friedman, Esq. I understand the stipulation and the effect it will have on my Automotive Repair Dealer Registration, Smog Check Test Only Station License, and Star Certification. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of Consumer Affairs.

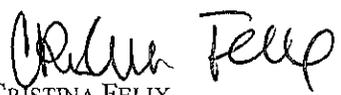
DATED: 1-5-2016 
ROBERT AYRAPETYAN, Owner, doing business as
SMOG BOY
Respondent

I have read and fully discussed with Respondent Robert Ayrapetyan, owner, dba Smog Boy the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 1-5-2016 
Andrew Friedman, Esq.
Attorney for Respondent

ENDORSEMENT

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

Dated: 01/5/2016 Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
THOMAS L. RINALDI
Supervising Deputy Attorney General

CRISTINA FELIX
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Petition To Revoke Probation No. 79/16-01

1 KAMALA D. HARRIS
Attorney General of California
2 THOMAS L. RINALDI
Supervising Deputy Attorney General
3 CRISTINA FELIX
Deputy Attorney General
4 State Bar No. 195663
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2455
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

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

11 In the Matter of the Petition to Revoke
Probation Against
12 **ROBERT AYRAPETYAN, OWNER**
13 **dba SMOG BOY**
14 **3601 Foothill Blvd**
La Crescenta, CA 91214
15 **Automotive Repair Dealer Reg. No. ARD**
226429
16 **Smog Check, Station License No.**
RC 226429
17 **STAR Certified**
18 Respondent.

Case No. *79/16-01*

PETITION TO REVOKE PROBATION
(SMOG CHECK)

19
20 Complainant alleges:

21 **PARTIES**

- 22 1. Patrick Dorais (Complainant) brings this Petition to Revoke Probation solely in his
23 official capacity as the Chief of the Bureau of Automotive Repair, Department of Consumer
24 Affairs.
25 2. On or about March 28, 2003, the Bureau of Automotive Repair issued Automotive
26 Repair Dealer Registration Number ARD 226429 to Robert Ayrapetyan, Owner dba Smog Boy
27 (Respondent). The Automotive Repair Dealer Registration was in effect at all times relevant to
28 the charges brought herein and will expire on February 29, 2016, unless renewed.

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

4 ...

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

7 ..."

8 8. Section 44012 of the Health and Safety Code states:

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

13 (a) Emission control systems required by state and federal law are reducing excess
14 emissions in accordance with the standards adopted pursuant to subdivisions (a) and (c) of
15 Section 44013.

16 (b) Motor vehicles are preconditioned to ensure representative and stabilized operation of
17 the vehicle's emission control system.

18 (c) For other than diesel-powered vehicles, the vehicle's exhaust emissions of
19 hydrocarbons, carbon monoxide, carbon dioxide, and oxides of nitrogen in an idle mode or loaded
20 mode are tested in accordance with procedures prescribed by the department. In determining
21 how loaded mode and evaporative emissions testing shall be conducted, the department shall
22 ensure that the emission reduction targets for the enhanced program are met.

23 (d) For other than diesel-powered vehicles, the vehicle's fuel evaporative system and
24 crankcase ventilation system are tested to reduce any nonexhaust sources of volatile organic
25 compound emissions, in accordance with procedures prescribed by the department.

26 (e) For diesel-powered vehicles, if the department determines that the inclusion of those
27 vehicles is technologically and economically feasible, a visual inspection is made of emission
28 control devices and the vehicle's exhaust emissions in an idle mode or loaded mode are tested in

1 accordance with procedures prescribed by the department. The test may include testing of
2 emissions of any or all of the pollutants specified in subdivision (c) and, upon the adoption of
3 applicable standards, measurement of emissions of smoke or particulates, or both.

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

8 (g) A determination as to whether the motor vehicle complies with the emission standards
9 for that vehicle's class and model-year as prescribed by the department.

10 (h) The test procedures may authorize smog check stations to refuse the testing of a vehicle
11 that would be unsafe to test, or that cannot physically be inspected, as specified by the department
12 by regulation. The refusal to test a vehicle for those reasons shall not excuse or exempt the
13 vehicle from compliance with all applicable requirements of this chapter."

14 9. Section 44014 of the Health and Safety Code states:

15 "(a) Except as otherwise provided in this chapter, the testing and repair portion of the
16 program shall be conducted by smog check stations licensed by the department, and by smog
17 check technicians who have qualified pursuant to this chapter.

18 (b)(1) A smog check station may be licensed by the department as a smog check test-only
19 station and, when so licensed, need not comply with the requirement for onsite availability of
20 current service and adjustment procedures specified in paragraph (3) of subdivision (b) of Section
21 44030. A smog check technician employed by a smog check test-only station shall be qualified
22 in accordance with this section.

23 (2) The department may authorize the placement of referees in qualified test-only stations
24 to provide referee services as a matter of convenience to the public. The department shall supply
25 those referees directly or through a contractor. A referee shall have no ownership interest in the
26 facility at which the referee is located. Referees shall be solely responsible for issuing repair cost
27 waivers, certificates of compliance or noncompliance, and hardship extensions, in accordance
28

1 with regulations adopted by the department, and for issuing exhaust system certificates of
2 compliance in accordance with section 27150.2 of the Vehicle Code.

3 The department may adopt regulations to establish qualification standards and any special
4 administrative, operational, and licensure standards that the department determines to be
5 necessary for test-only stations that perform referee services.

6 (c) A smog check station may also be licensed as a repair-only station, and if so licensed,
7 may perform repairs to reduce excessive emissions on vehicles which have failed the smog check
8 test. Repair procedures and equipment requirements shall be established by the department.
9 Technicians employed by a smog check repair-only station shall be qualified in accordance with
10 this section.

11 (d) Smog check technicians are qualified to test and repair only those classes and categories
12 of vehicles for which they have passed a qualification test administered by the department. The
13 department shall provide for smog check technicians to be qualified for different categories of
14 motor vehicle inspection based on vehicle classification and model-year.

15 (e) The consumer protection-oriented quality assurance portion of the program may be
16 conducted by one or more private entities pursuant to contracts with the department."

17 REGULATORY PROVISIONS

18 10. California Code of Regulations, title 16, section 3340.35, states:

19 "...

20 (c) A licensed station shall issue a certificate of compliance or noncompliance to the owner
21 or operator of any vehicle that has been inspected in accordance with the procedures specified in
22 section 3340.42 of this article and has all the required emission control equipment and devices
23 installed and functioning correctly. The following conditions shall apply:

24 (1) Customers shall be charged the same price for certificates as that paid by the licensed
25 station; and

26 (2) Sales tax shall not be assessed on the price of certificates.

27 "..."

28 ///

1 11. California Code of Regulations, title 16, section 3340.45, states:

2 “(a) All Smog Check inspections shall be performed in accordance with requirements and
3 procedures prescribed in the following:

4 (1) Smog Check Inspection Procedures Manual, dated August 2009, which is hereby
5 incorporated by reference. This manual shall be in effect until subparagraph (2) is implemented.

6 (2) Smog Check Manual, dated 2013, which is hereby incorporated by reference. This
7 manual shall become effective on or after January 1, 2013.”

8 **FIRST CAUSE TO REVOKE PROBATION**

9 **(Failure to Obey All Laws)**

10 12. At all times after the effective date of Respondent’s probation, Condition 2 stated:

11 “2. **Obey All Laws.** Comply with all statutes, regulations and rules governing automotive
12 inspections, estimates and repairs.”

13 13. Respondent’s probation is subject to revocation because it failed to comply with
14 Probation Condition 2. The facts and circumstances regarding this violation are as follows:
15 The Bureau held Probation Conferences with Respondent on April 15, 2014 and March 4, 2015 to
16 discuss the methods by which it planned to achieve and maintain compliance with the terms and
17 conditions of probation. On March 9, 2015, the Bureau implemented a statewide regulatory
18 change requiring the use of the On Board Diagnostic Inspection System (OIS) in testing of 2000
19 model year and newer gas powered vehicles 14,000 Gross Vehicle Weight Rating (GVWR) and
20 under, and 1998 and newer diesel powered vehicles 14,000 GVWR and under. On May 14,
21 2015, the Bureau reviewed the BAR Station Test Data Summary Report for Respondent for tests
22 performed on May 13, 2015, and the review indicated that between 1202 hours and 1223 hours a
23 2002 Ford F-150, license No. 8J63511, was tested and Certificate No. PS227064C was issued
24 under Smog Check Station License No. RC226429. Certificate No. PS227064C was delivered to
25 Emissions Inspection System (EIS) ID No. ES314922, under the control of Respondent.
26 Respondent failed to comply with the terms and conditions set forth in the Stipulated Settlement
27 and Order by performing an improper inspection and issuing a Certificate of Compliance to a
28 vehicle using the BAR-97 EIS when the vehicle required inspection using the BAR-OIS.

1 assessed civil penalties totaling \$500 against Respondent for the violations. Respondent paid the
2 fine on March 22, 2010.

3 c. On or about September 15, 2011, the Bureau issued Citation No. C2012-0228 against
4 Respondent for violating Health & Safety Code section 44012, subdivision (f) (failure to
5 determine that emission control devices and systems required by State and Federal law are
6 installed and functioning correctly in accordance with test procedures). On or about August 4,
7 2011, Respondent had issued a certificate of compliance to a Bureau undercover vehicle with the
8 ignition timing adjusted beyond specifications. The Bureau assessed a civil penalty of \$1,500
9 against Respondent for the violation. Respondent paid the fine on February 6, 2012.

10 PRAYER

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

- 13 1. Revoking the probation that was granted by the Bureau of Automotive Repair in Case
14 No. 79/13-35 and imposing the disciplinary order that was stayed thereby revoking Automotive
15 Repair Dealer Registration No. ARD 226429 issued to Robert Ayrapetyan, owner, dba Smog Boy;
- 16 2. Revoking or suspending Smog Check Station License No. RC 226429, issued to
17 Robert Ayrapetyan, owner, dba Smog Boy;
- 18 3. Revoking or suspending STAR the Certification issued to Smog Boy, with Robert
19 Ayrapetyan, owner, dba Smog Boy;
- 20 4. Taking such other and further action as deemed necessary and proper.

21
22 DATED: July 2, 2015



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

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51818706_2.doc

Exhibit A

Decision and Order

Bureau of Automotive Repair Case No. 79/13-35

BEFORE THE DIRECTOR
DEPARTMENT OF CONSUMER AFFAIRS
BUREAU OF AUTOMOTIVE REPAIR
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

SMOG BOY TEST ONLY
ROBERT AYRAPETYAN, OWNER
3601 Foothill Blvd
La Crescenta, CA 91214

Automotive Repair Dealer Reg. No.
ARD 226429
Smog Check, Test Only, Station License No.
TC 226429,

ROBERT AYRAPETYAN
2101 Conchita St.
Glendale, CA 91208

Smog Check Inspector License No. EO
140053,
Smog Check Repair Technician License
No. EI No. 140053 (redesignated from
Advanced Emission Specialist Technician
License No. EA 140053)

Case No. 79/13-35

OAH No. 2013020906

Respondents.

DECISION

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

This Decision shall become effective February 14, 2014.

DATED: JAN 27 2014


DONALD CHANG
Assistant Chief Counsel
Department of Consumer Affairs

1 KAMALA D. HARRIS
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 CRISTINA FELIX
Deputy Attorney General
4 State Bar No. 195663
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2455
6 Facsimile: (213) 897-2804
E-mail: Cristina.Felix@doj.ca.gov
7 Attorneys for Complainant

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

11 **In the Matter of the Accusation Against:**

12 **SMOG BOY TEST ONLY**
ROBERT AYRAPETYAN, OWNER
13 3601 Foothill Blvd
La Crescenta, CA 91214
14
Automotive Repair Dealer Reg. No.
15 ARD 226429
Smog Check, Test Only, Station License No.
16 TC 226429,
17 **ROBERT AYRAPETYAN**
2101 Conchita St.
18 Glendale, CA 91208
19 Smog Check Inspector License No. EO
140053, Smog Check Repair Technician
20 License No. EI No. 140053 (redesignated from
Advanced Emission Specialist Technician
21 License No. EA 140053)

22 Respondents.

Case No. 79/13-35

OAH No. 2013020906

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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

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1 CULPABILITY

2 11. Respondents admit the truth of each and every charge and allegation in Accusation
3 No. 79/13-35.

4 12. Respondents Smog Boy Test Only and Robert Ayrapetyan agree that their
5 Automotive Repair Dealer Registration, Smog Check Test Only Station License, Smog Check
6 Inspector License and Smog Check Repair Technician License are subject to discipline and he
7 agrees to be bound by the Director's probationary terms as set forth in the Disciplinary Order
8 below.

9 CONTINGENCY

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

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

24 15. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
25 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
26 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
27 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
28

1 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
2 writing executed by an authorized representative of each of the parties.

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

6 DISCIPLINARY ORDER

7 IT IS HEREBY ORDERED that Automotive Repair Dealer Registration Number ARD
8 226429 ("registration"), Smog Check, Test Only, Station License Number TC 226429 ("smog
9 check station license") issued to Respondent Robert Ayrapetyan, as owner of Smog Boy Test
10 Only, and Smog Check Inspector (EO) License No. 140053 and Smog Check Repair Technician
11 (EI) License No. 140053 issued to Respondent Robert Ayrapetyan are each revoked. However,
12 the revocations are stayed and Respondents are placed on concurrent probation for three (3) years
13 on the following terms and conditions.

14 1. **Actual Suspension.** Automotive Repair Dealer Registration Number ARD 226429,
15 Smog Check, Test Only, Station License Number TC 226429 issued to Respondent Robert
16 Ayrapetyan, as owner of Smog Boy Test Only, and Smog Check Inspector (EO) License No.
17 140053 and Smog Check Repair Technician (EI) License No. 140053 issued to Respondent
18 Robert Ayrapetyan are each suspended for 5 (five) days from the effective date of the Decision.

19 2. **Obey All Laws.** Comply with all statutes, regulations and rules governing
20 automotive inspections, estimates and repairs.

21 3. **Post Sign.** Post a prominent sign, provided by the Bureau, indicating the beginning
22 and ending dates of the suspension and indicating the reason for the suspension. The sign shall be
23 conspicuously displayed in a location open to and frequented by customers and shall remain
24 posted during the entire period of actual suspension.

25 4. **Reporting.** Respondent or Respondents' authorized representative must report in
26 person or in writing as prescribed by the Bureau of Automotive Repair, on a schedule set by the
27 Bureau, but no more frequently than each quarter, on the methods used and success achieved in
28 maintaining compliance with the terms and conditions of probation.

1 5. **Report Financial Interest.** Within 30 days of the effective date of this action, report
2 any financial interest which any partners, officers, or owners of the Respondent facility may have
3 in any other business required to be registered pursuant to Section 9884.6 of the Business and
4 Professions Code.

5 6. **Random Inspections.** Provide Bureau representatives unrestricted access to inspect
6 all vehicles (including parts) undergoing repairs, up to and including the point of completion.

7 7. **Jurisdiction.** If an accusation is filed against either Respondent during the term of
8 probation, the Director of Consumer Affairs shall have continuing jurisdiction over this matter
9 until the final decision on the accusation, and the period of probation shall be extended until such
10 decision.

11 8. **Violation of Probation.** Should the Director of Consumer Affairs determine that
12 either Respondent has failed to comply with the terms and conditions of probation, the
13 Department may, after giving notice and opportunity to be heard suspend or revoke the license.

14 9. **Training Course.** Within one hundred eighty (180) days of the effective date of the
15 decision, Respondent Robert Ayrapiyan shall attend and successfully complete a Bureau
16 Certified Licensed Inspector Training Course (Level 2), and submit proof of successful
17 completion to the Bureau. If proof of completion of the course is not furnished to the Bureau
18 within the 180-day period, Respondent's Smog Check Inspector License and Smog Check Repair
19 Technician License shall be immediately suspended until such proof is received.

20 10. **Cost Recovery.** Payment to the Bureau of the full amount of cost recovery in the
21 amount \$9,829.14. The costs shall be payable in twenty four (24) equal installments with the
22 final payment due twelve (12) months before the termination of probation. Respondents shall be
23 jointly and severally responsible for full cost recovery. Failure to complete payment of cost
24 recovery within the 24-month time frame shall constitute a violation of probation which may
25 subject Respondents' registration and licenses to outright revocation; however, the Director or the
26 Director's Bureau of Automotive Repair designee may elect to continue probation until such time
27 as reimbursement of the entire cost recovery amount has been made to the Bureau.

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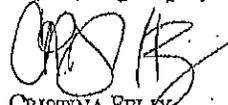
ENDORSEMENT

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

Dated: 11/27/2013

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General



CRISTINA FELIX
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 79/13-35

1 KAMALA D. HARRIS
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 CRISTINA FELIX
Deputy Attorney General
4 State Bar No. 195663
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2455
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

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

11 In the Matter of the Accusation Against:
12
13 SMOG BOY TEST ONLY
ROBERT AYRAPETYAN, OWNER
3601 Foothill Blvd
14 La Crescenta, CA 91214
15 Automotive Repair Dealer Reg. No. ARD 226429
Smog Check, Test Only, Station License No.
16 TC 226429,
17 ROBERT AYRAPETYAN
2101 Conchita St.
18 Glendale, CA 91208
19
20 Smog Check Inspector License No. EO 140053,
Smog Check Repair Technician License No. EI
21 No. 140053 (redesignated from Advanced
Emission Specialist Technician License No. EA
22 140053)
23 Respondents.

Case No. 79/13-35

FIRST AMENDED ACCUSATION
(Smog Check)

24 ///
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1 Complainant alleges;

2 PARTIES/LICENSE INFORMATION

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

6 Smog Boy Test Only; Robert Ayrapetyan, Owner

7 2. In or about 2003, the Director of Consumer Affairs ("Director") issued Automotive
8 Repair Dealer Registration Number ARD 226429 ("registration") to Robert Ayrapetyan
9 ("Respondent Ayrapetyan"), owner of Smog Boy Test Only. Respondent's registration was in full
10 force and effect at all times relevant to the charges brought herein and will expire on February 28,
11 2014, unless renewed.

12 3. On or about May 5, 2003, the Director issued Smog Check, Test Only, Station
13 License Number TC 226429 ("smog check station license") to Respondent Ayrapetyan.
14 Respondent's smog check station license was in full force and effect at all times relevant to the
15 charges brought herein and will expire on February 28, 2014, unless renewed.

16 Robert Ayrapetyan

17 4. In or about 1998, the Director issued Advanced Emission Specialist Technician
18 License Number EA 140053 ("technician license") to Respondent Ayrapetyan. Respondent's
19 technician license was in full force and effect at all times relevant to the charges brought herein.
20 On August 7, 2012, this license, upon renewal, was redesignated to Smog Check Inspector (EO)
21 License No. 140053 and Smog Check Repair Technician (EI) License No. 140053¹ and these
22 licenses will expire on July 31, 2014.

23 ///

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26 ¹ Effective August 1, 2012, California Code of Regulations, title 16, sections 3340.28,
27 3340.29, and 3340.30 were amended to implement a license restructure from the Advanced
28 Emission Specialist Technician (EA) License and Basic Area (EB) Technician license to Smog
Check Inspector (EO) License and/or Smog Check Repair Technician (EI) License.

1 (4) Any other conduct that constitutes fraud.

2
3 (c) Notwithstanding subdivision (b), the director may suspend, revoke or
4 place on probation the registration for all places of business operated in this state by
5 an automotive repair dealer upon a finding that the automotive repair dealer has, or is,
6 engaged in a course of repeated and willful violations of this chapter, or regulations
7 adopted pursuant to it.

8
9 11. Business and Professions Code section 22, subdivision (a), states:

10 "Board" as used in any provision of this Code, refers to the board in
11 which the administration of the provision is vested, and unless otherwise expressly
12 provided, shall include "bureau," "commission," "committee," "department,"
13 "division," "examining committee," "program," and "agency."

14
15 12. Business and Professions Code section 477, subdivision (b), states, in pertinent part,
16 that a "license" includes "registration" and "certificate."

17
18 13. Health & Safety Code section 44072.2 states, in pertinent part:

19 The director may suspend, revoke, or take other disciplinary action
20 against a license as provided in this article if the licensee, or any partner, officer, or
21 director thereof, does any of the following:

22 (a) Violates any section of this chapter [the Motor Vehicle Inspection
23 Program (Health and Saf. Code § 44000, et seq.)] and the regulations adopted
24 pursuant to it, which related to the licensed activities.

25
26 (c) Violates any of the regulations adopted by the director pursuant to
27 this chapter.

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

14. Health & Safety Code section 44072.8 states that when a license has been revoked or
suspended following a hearing under this article, any additional license issued under this chapter
in the name of the licenses may be likewise revoked or suspended by the director.

COST RECOVERY

15. Business and Professions Code section 125.3 provides, in pertinent part, that a Board
may request the administrative law judge to direct a licensee 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.

1 b. Section 3340.42: Respondent failed to ensure that the required smog tests were
2 conducted on the Bureau's 2001 Honda Prelude in accordance with the Bureau's specifications.

3 FIFTH CAUSE FOR DISCIPLINE

4 (Dishonesty, Fraud or Deceit)

5 22. Respondent Ayrapetyan's smog check station license is subject to disciplinary action
6 pursuant to Health & Safety Code section 44072.2, subdivision (d), in that Respondent committed
7 a dishonest, fraudulent, or deceitful act whereby another is injured by issuing an electronic smog
8 certificate of compliance for the Bureau's 2001 Honda Prelude without ensuring that a bona fide
9 inspection was performed of the emission control devices and systems on the vehicle, thereby
10 depriving the People of the State of California of the protection afforded by the Motor Vehicle
11 Inspection Program.

12 MATTERS IN AGGRAVATION

13 23. To determine the degree of discipline, if any, to be imposed on Respondents,
14 Complainant alleges as follows:

15 Respondent Ayrapetyan

16 a. On or about February 14, 2008, the Bureau issued Citation No. C08-0681 against
17 Respondent, in his capacity as owner of Smog Boy Test Only, for violations of Health & Safety
18 Code section 44012, subdivision (f) (failure to determine that emission control devices and
19 systems required by State and Federal law are installed and functioning correctly in accordance
20 with test procedures); and California Code of Regulations, title 16, section ("Regulation")
21 3340.35, subdivision (o) (issuing a certificate of compliance to a vehicle that was improperly
22 tested). On or about February 6, 2008, Respondent had issued a certificate of compliance to a
23 Bureau undercover vehicle with the ignition timing adjusted beyond specifications. The Bureau
24 assessed civil penalties totaling \$500 against Respondent for the violations. Respondent paid the
25 fine on April 10, 2008.

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1 b. On or about January 29, 2010, the Bureau issued Citation No. C2010-0764 against
2 Respondent, in his capacity as owner of Smog Boy Test Only, for violations of Health & Safety
3 Code section 44012, subdivision (f) (failure to perform a visual/functional check of emission
4 control devices according to procedures prescribed by the department); and Regulation 3340.35,
5 subdivision (c) (issuing a certificate of compliance to a vehicle that was improperly tested). On
6 or about January 6, 2010, Respondent had issued a certificate of compliance to a Bureau
7 undercover vehicle with a missing AIR System. The Bureau assessed civil penalties totaling
8 \$500 against Respondent for the violations. Respondent paid the fine on March 22, 2010.

9 c. On or about September 15, 2011, the Bureau issued Citation No. C2012-0228 against
10 Respondent, in his capacity as owner of Smog Boy Test Only, for violating Health & Safety Code
11 section 44012, subdivision (f) (failure to determine that emission control devices and systems
12 required by State and Federal law are installed and functioning correctly in accordance with test
13 procedures). On or about August 4, 2011, Respondent had issued a certificate of compliance to a
14 Bureau undercover vehicle with the ignition timing adjusted beyond specifications. The Bureau
15 assessed a civil penalty of \$1,500 against Respondent for the violation. Respondent paid the fine
16 on February 6, 2012.

17 d. On or about February 14, 2008, the Bureau issued Citation No. M08-0682 against
18 Respondent's technician license for violations of Health & Safety Code section 44032 (qualified
19 technicians shall perform tests of emission control systems and devices in accordance with Health
20 & Safety Code section 44012); and Regulation 3340.30, subdivision (a) (qualified technicians
21 shall inspect, test and repair vehicles in accordance with Health & Safety Code sections 44012
22 and 44035 and Regulation 3340.42). On or about February 6, 2008, Respondent had issued a
23 certificate of compliance to a Bureau undercover vehicle with the ignition timing adjusted beyond
24 specifications. Respondent was directed to complete an 8 hour training course and to submit
25 proof of completion to the Bureau within 30 days from receipt of the citation. Respondent
26 completed the training on April 8, 2008.

27 ///

28

1 e. On or about January 29, 2010, the Bureau issued Citation No. M2010-0765 against
2 Respondent's technician license for violations of Health & Safety Code section 44032 (qualified
3 technicians shall perform tests of emission control systems and devices in accordance with Health
4 & Safety Code section 44012); and Regulation 3340.30, subdivision (a) (qualified technicians
5 shall inspect, test and repair vehicles in accordance with Health & Safety Code sections 44012
6 and 44035 and Regulation 3340.42). On or about January 6, 2010, Respondent had issued a
7 certificate of compliance to a Bureau undercover vehicle with a missing AIR System.
8 Respondent was directed to complete an 8 hour training course and to submit proof of completion
9 to the Bureau within 30 days from receipt of the citation. Respondent completed the training on
10 March 16, 2010.

11 f. On or about September 15, 2011, the Bureau issued Citation No. M2012-0229 against
12 Respondent's technician license for violating Health & Safety Code section 44032 (qualified
13 technicians shall perform tests of emission control systems and devices in accordance with Health
14 & Safety Code section 44012). On or about August 4, 2011, Respondent had issued a certificate
15 of compliance to a Bureau undercover vehicle with the Ignition timing adjusted beyond
16 specifications. Respondent was directed to complete a 16 hour training course and to submit
17 proof of completion to the Bureau within 30 days from receipt of the citation. Respondent
18 completed the training on February 28, 2012.

19 OTHER MATTERS

20 24. Pursuant to Business and Professions Code section 9884.7, subdivision (c), the
21 Director may suspend, revoke or place on probation the registration for all places of business
22 operated in this state by Respondent Robert Ayrapetyan, owner of Smog Boy Test Only, upon a
23 finding that Respondent has, or is, engaged in a course of repeated and willful violations of the
24 laws and regulations pertaining to an automotive repair dealer.

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1 25. Pursuant to Health & Safety Code section 44072.8, if Smog Check, Test Only,
2 Station License Number TC 226429, issued to Respondent Robert Ayrapetyan, owner of Smog
3 Boy Test Only, is revoked or suspended, any additional license issued under this chapter in the
4 name of said licensee, including, but not limited to, Smog Check Inspector (EO) License No.
5 140053 and Smog Check Repair Technician (EI) License No. 140053, may be likewise revoked
6 or suspended by the Director.

7 PRAYER

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

10 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
11 226429, issued to Robert Ayrapetyan, owner of Smog Boy Test Only;

12 2. Revoking or suspending any other automotive repair dealer registration issued to
13 Robert Ayrapetyan;

14 3. Revoking or suspending Smog Check, Test Only, Station License Number TC
15 226429, issued to Robert Ayrapetyan, owner of Smog Boy Test Only;

16 4. Revoking or suspending any additional license issued under Chapter 5 of the Health
17 and Safety Code in the name of Robert Ayrapetyan, including, but not limited to Smog Check
18 Inspector (EO) License No. 140053 and Smog Check Repair Technician (EI) License No.
19 140053;

20 7. Ordering Robert Ayrapetyan, owner of Smog Boy Test Only, to pay the Director of
21 Consumer Affairs the reasonable costs of the investigation and enforcement of this case, pursuant
22 to Business and Professions Code section 125.3;

23 8. Taking such other and further action as deemed necessary and proper.

24 DATED: August 8, 2013

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

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Exhibit B

Star Certification Invalidation Appeal Decision, dated February 25, 2014



BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY · GOVERNOR EDMUND G. BROWN JR.

ENFORCEMENT PLANNING AND OVERSIGHT BRANCH
10949 North Mather Boulevard, Rancho Cordova, CA 95670
P (916) 403-8060 F (916) 464-3405 | www.bar.ca.gov



February 25, 2014

Robert Ayrapetyan
Smog Boy Test Only
3601 Foothill Boulevard
La Crescenta, CA 91214

ARD/TC 226429

RE: STAR Invalidation Appeal Decision – Station Disciplinary Action, UPHELD

Robert Ayrapetyan:

The above referenced matter was reviewed by the Bureau of Automotive Repair (Bureau) on February 20, 2014, at the Bureau Headquarters, 10949 North Mather Boulevard, Rancho Cordova, California.

Upon review of this matter and the information and statements presented in the written appeal, the Bureau makes the following findings:

- Your station, Smog Boy Test Only, was issued a Disciplinary Action, Case # 79/13-35 which became effective February 14, 2014.
- On or about February 4, 2014, the Bureau informed you that your Station's Disciplinary Action would disqualify your station from the STAR Certification Program, citing the California Code of Regulations Section 3392.5.1 (1) (a) and (C).
- The Bureau received a Request to Appeal the STAR Invalidation for Smog Boy Test Only, ARD # 226429 on or about February 19, 2014.

Based on the foregoing findings and consideration of the information provided, the decision to invalidate the STAR certification of Smog Boy Test Only, ARD 226429 is UPHELD, based on CCR 3392.5.1 (a) (1). Effective March 24, 2014, Smog Boy Test Only will no longer be authorized to perform functions of a certified STAR station or perform repairs under the CAP Program, if so authorized.

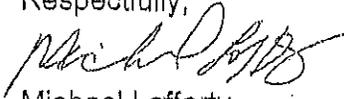
After the invalidation of your STAR certification, the station may continue to perform smog check test or repair services, pursuant to the type of license held by your station, Test-Only or Test and Repair.

If you have any questions about this action, please visit the Bureau's Web site at www.smogcheck.ca.gov for information regarding the STAR Program. The Web site has definitions of STAR terms, frequently asked questions, explanations for the grading criteria, and tutorial and smog check resource information to help improve your STAR score. After reviewing the STAR Web page, you may also contact the STAR Unit at (916) 403-8060.

Page 2 of 2

Pursuant to CCR 3392.6.1 (e): If you desire to contest the decision in this informal appeal, you must submit a written request for an administrative hearing to the address above, no later than 30 days from the date of this letter.

Respectfully,



Michael Lafferty
Program Manager II
Enforcement Planning and Oversight
Bureau of Automotive Repair

cc. Licensing Unit