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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:

Case No. 79/16-9952

13 **FARHAD ARBABZADEH, PARTNER**
14 **MASSOUD KHOSROZADEHE,**
15 **PARTNER, DBA**
16 **SMOG MASTER**
28 E. Birch
Fresno, CA 93650
Automotive Repair Dealer Registration
No. 228231
Smog Check, Test Only, Station License
No. TC 228231

A C C U S A T I O N

18 **DANIEL GARZA**
28 E. Birch Ave.
Fresno, CA 93650
Smog Check Inspector License No. EO 147321
(formerly License No. EA 147321)
Smog Check Repair Technician License No.
EI 147321

22 **RONALD P. ASBERRY, JR.**
28 E. Birch
Pinedale, CA 93650
2565 S. Sierra Vista
Fresno, CA 93725
Smog Check Inspector License No. EO 305659
(Formerly License No. EA 305659)
Smog Check Repair Technician License No.
EI 305659

ALFONSO AVILA LONGORIA

3467 Kimmel Ave.

Madera, CA 93637

Smog Check Inspector License No. EO 313712

(Formerly License No. EA 313712)

Smog Check Repair Technician License No.

EI 313712

MASSOUD KHOSROZADHE

10333 N. Price Ave.

Fresno, CA 93730

Smog Check Inspector License No. EO 127907

(Formerly License No. EA 127907)

Respondents.

FARHAD ARBABZADEH, PARTNER

MASSOUD KHOSROZADEHE,

PARTNER, DBA

SMOG MASTER

972 E. Barstow Ave.

Clovis, CA 93612

Automotive Repair Dealer Registration

No. 228228

Smog Check, Test Only, Station License

No. TC 228228

FARHAD ARBABZADEH, OWNER

SMOG MASTER

2591 N. Blackstone

Fresno, CA 93703

P.O. Box 27798

Fresno, CA 93729

Automotive Repair Dealer Registration

No. 266346

Smog Check, Test Only, Station License

No. TC 266346

Affiliates.

Patrick Dorais ("Complainant") alleges:

PARTIES

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

Automotive Repair Dealer Registration – ARD 228231

2. In or around 2003 the Bureau issued Automotive Repair Dealer Registration Number ARD 228231 to Farhad Arbabzadeh and Massoud KhosrozaDehe as partners, doing business as

1 Smog Master ("Respondent Smog Master"). The Automotive Repair Dealer Registration was in
2 full force and effect at all times relevant to the charges brought herein and will expire on June 30,
3 2018, unless renewed.

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6 3. On or about November 24, 2003, the Bureau issued Smog Check, Test Only Station,
7 License Number TC 228231 ("Station License"), to Respondent Smog Master. The Smog Check,
8 Test Only Station License was in full force and effect at all times relevant to the charges brought
9 herein and will expire on June 30, 2018, unless renewed.

10 **Smog Technician Licenses**

11 4. On a date unknown in 2003, the Bureau issued Advanced Emission Specialist
12 Technician License Number EA 147321 to Daniel Garza ("Respondent Garza"). Respondent
13 Garza's Advanced Emission Specialist Technician License was due to expire on February 28,
14 2013. Effective January 2, 2013, pursuant to California Code of Regulations, title 16
15 ("Regulations"), section 3340.28(e), the license was renewed pursuant to Respondent Garza's
16 election as Smog Inspector License No. EO 147321 and Smog Check Repair Technician No.
17 EI 147321. Respondent Garza's Smog Check Repair Technician License expired on February 28,
18 2015. Respondent Garza's Smog Check Inspector License will expire on February 28, 2019,
19 unless renewed.

20 5. On a date unknown in 1996, the Bureau issued Advanced Emission Specialist
21 Technician License Number EA 305659 to Ronald P. Asberry, Jr. ("Respondent Asberry").
22 Respondent Asberry's Advanced Emission Specialist Technician License was due to expire on
23 October 31, 2012. Effective October 15, 2012, pursuant to Regulations section 3340.28(e), the
24 license was renewed pursuant to Respondent Asberry's election as Smog Inspector License No.
25 EO 305659 and Smog Check Repair Technician License No. EI 305659. Respondent Asberry's
26 Smog Check Inspector License was in full force and effect at all times relevant to the charges
27 brought herein and will expire on October 31, 2018, unless renewed. Respondent Asberry's
28 Smog Check Repair Technician License expired on October 31, 2014.

1 6. On a date unknown in 1997, the Bureau issued Advanced Emission Specialist
2 Technician License Number EA 313712 to Alfonso Avila Longoria ("Respondent Longoria").
3 Respondent Longoria's Advanced Emission Specialist Technician License was due to expire on
4 October 31, 2012. Effective October 15, 2012, pursuant to Regulations section 3340.28(e), the
5 license was renewed pursuant to Respondent Longoria's election as Smog Inspector License No.
6 EO 313712 and Smog Check Repair Technician License No. EI 313712. Respondent Longoria's
7 Smog Check Inspector License was in full force and effect at all times relevant to the charges
8 brought herein and will expire on October 31, 2018, unless renewed. Respondent Longoria's
9 Smog Check Repair Technician License expired on October 31, 2014.

10 7. On a date unknown in 1999, the Bureau issued Advanced Emission Specialist
11 Technician License Number EA 127907 to Massoud Khosrozadhe ("Respondent Khosrozadhe").
12 Respondent Khosrozadhe's Advanced Emission Specialist Technician License was due to expire
13 on October 31, 2013. Effective October 30, 2013, pursuant to Regulations section 3340.28(e), the
14 license was renewed pursuant to Respondent Khosrozadhe's election as Smog Check Inspector
15 License No. EO 127907. Respondent Khosrozadhe's Smog Check Inspector License was in full
16 force and effect at all times relevant to the charges brought herein and will expire on October 31,
17 2019, unless renewed.

18 **Affiliated Licenses**

19 **Automotive Repair Dealer Registration – ARD 228228**

20 8. On a date unknown in 2003 the Bureau issued Automotive Repair Dealer Registration
21 Number ARD 228228 to Farhad Arbabzadeh and Massoud Khosrozadehe as partners, doing
22 business as Smog Master. The Automotive Repair Dealer Registration was in full force and
23 effect at all times relevant to the charges brought herein and will expire on June 30, 2018, unless
24 renewed.

25 9. On or about August 26, 2003, the Bureau issued Smog Check, Test Only Station
26 License Number TC 228228 to Farhad Arbabzadeh and Massoud Khosrozadehe. The Smog
27 Check, Test Only Station License was in full force and effect at all times relevant to the charges
28 brought herein and will expire on June 30, 2018, unless renewed.

1 **Automotive Repair Dealer Registration – ARD 266346**

2 10. On or about August 23, 2011, the Bureau issued Automotive Repair Dealer
3 Registration Number ARD 266346 to Farhad Arbabzadeh, as the owner of Smog Master. The
4 Automotive Repair Dealer Registration was in full force and effect at all times relevant to the
5 charges brought herein and will expire on August 31, 2018, unless renewed.

6 11. On or about September 2, 2011, the Bureau issued Smog Check, Test Only Station
7 License Number TC 266346 to Farhad Arbabzadeh, as the owner of Smog Master. The Smog
8 Check, Test Only Station License was in full force and effect at all times relevant to the charges
9 brought herein and will expire on August 31, 2018.

10 **JURISDICTION**

11 12. This Accusation is brought before the Bureau under the authority of the following
12 laws.

13 13. Business and Professions Code ("Code") section 9884.7 provides that the Director
14 may revoke an automotive repair dealer registration.

15 14. Code section 9884.13 provides, in pertinent part, that the expiration of a valid
16 registration shall not deprive the director or chief of jurisdiction to proceed with a disciplinary
17 proceeding against an automotive repair dealer or to render a decision invalidating a registration
18 temporarily or permanently.

19 15. Code section 118(b) states:

20 The suspension, expiration, or forfeiture by operation of law of a license issued
21 by a board in the department, or its suspension, forfeiture, or cancellation by order of
22 the board or by order of a court of law, or its surrender without the written consent of
23 the board, shall not, during any period in which it may be renewed, restored, reissued,
24 or reinstated, deprive the board of its authority to institute or continue a disciplinary
proceeding against the licensee upon any ground provided by law or to enter an order
suspending or revoking the license or otherwise taking disciplinary action against the
licensee on any such ground.

25 16. Code section 477 provides, in pertinent part, that "Board" includes "bureau,"
26 "commission," "committee," "department," "division," "examining committee," "program," and
27 "agency." "License" includes certificate, registration or other means to engage in a business or
28 profession regulated by the Code.

1 17. Health and Safety Code ("Health & Saf.") section 44002 provides, in pertinent part,
2 that the Director has all the powers and authority granted under the Automotive Repair Act for
3 enforcing the Motor Vehicle Inspection Program.

4 18. Health & Saf. Code section 44072.6 provides, in pertinent part, that the expiration or
5 suspension of a license by operation of law, or by order or decision of the Director of Consumer
6 Affairs, or a court of law, or the voluntary surrender of the license shall not deprive the Director
7 of jurisdiction to proceed with disciplinary action.

8 19. Health & Saf. Code section 44072.8 states:

9 When a license has been revoked or suspended following a hearing under this
10 article, any additional license issued under this chapter in the name of the licensee
 may be likewise revoked or suspended by the director.

11 **STATUTORY AND REGULATORY PROVISIONS**

12 20. Code section 9884.7 states, in pertinent part:

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

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

19 (4) Any other conduct that constitutes fraud.

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

21 (b) Except as provided for in subdivision (c), if an automotive repair dealer
22 operates more than one place of business in this state, the director pursuant to
23 subdivision (a) shall only suspend, revoke, or place on probation the registration of
24 the specific place of business which has violated any of the provisions of this chapter.
 This violation, or action by the director, shall not affect in any manner the right of the
 automotive repair dealer to operate his or her other places of business.

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

28 21. Health & Saf. Code section 44072.2 states, in pertinent part:

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

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

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8 (c) Violates any of the regulations adopted by the director pursuant to this
9 chapter.

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

12 (g) Fails to make and keep records showing his or her transactions as a
13 licensee, or fails to have those records available for inspection by the director or his
14 or her duly authorized representative for a period of not less than three years after
15 completion of any transaction to which the records refer, or refuses to comply with
16 a written request of the director to make the records available for inspection.

17 22. Health & Saf. Code section 44072.10(c) states, in pertinent part:

18 The department shall revoke the license of any smog check technician or
19 station licensee who fraudulently certifies vehicles or participates in the fraudulent
20 inspection of vehicles. A fraudulent inspection includes, but is not limited to, all of
21 the following:

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

24 23. Health & Saf. Code section 44024.5(a), states:

25 The department shall compile and maintain statistical and emissions profiles
26 and data from motor vehicles that are subject to the motor vehicle inspection
27 program. The department may use data from any source, including remote sensing
28 data, in use data, and other motor vehicle inspection program data, to develop and
confirm the validity of the profiles, to evaluate the program, and to assess the
performance of smog check stations. The department shall undertake these
requirements directly or seek a qualified vendor for these services.

29 24. Health & Saf. Code section 44037 states, in pertinent part:

30 (a) The department shall compile and maintain records, using the sampling
31 methodology necessary to ensure their scientific validity and reliability, of tests and
32 repairs performed by qualified smog check technicians at licensed smog check
33 stations pursuant to this chapter on all of the following information:

34 (1) The motor vehicle identification information and the test data collected at
35 the station.

36 (5) Data received and compiled through the use of the centralized computer
37 database and computer network to be established pursuant to Section 44037.1, and
38 any other information determined to be essential by the department for program
enhancement to achieve greater efficiency, consumer protection, cost-effectiveness,

convenience, or emission reductions . . .

25. Health & Saf. Code section 44037.1 states, in pertinent part:

(a) On or before January 1, 1995, the department shall design and establish the equipment necessary to operate a centralized computer data base and computer network that is readily accessible by all licensed smog check technicians on a real time basis.

(b) The centralized computer data base and network shall be designed with all of the following capabilities:

(2) To provide smog check technicians and the department with information as to the date and result of prior smog check tests performed on each vehicle to discourage vehicle owners from shopping for certificates of compliance and to permit the department to identify smog check stations for further investigation as potential violators of this chapter.

(3) To provide the department with data on the failure rates and repair effectiveness for vehicles of each make and model year on a statewide basis, and by smog check station and technician, to facilitate identification of smog check stations and technicians as potential violators of this chapter.

(8) To be compatible with the department's recordkeeping and compilation requirements established by Section 44037.

(c) After January 1, 1995, each smog check station shall transmit vehicle data emission test results to the department's centralized data base. Each smog check station shall also transmit vehicle data and emission measurements made before and after repair . . .

26. California Code of Regulations, title 16 ("Regulations"), section 3340.17 states, in pertinent part:

(c) Vehicle data and test results from the OBD Inspection System (OIS) shall be transmitted to the bureau's centralized database . . .

27. Section 3340.15, state, in pertinent part:

(e) The station shall post conspicuously in an area frequented by customers a list of price ranges for the specific activities for which it is licensed. The posted prices shall include the price charged by the station for inspections, and, if a separate price is charged for reinspections, the reinspection price. The station shall also post the inspection prices for vans and/or heavy-duty vehicles if those prices differ from the passenger car inspection price. If the station imposes an hourly labor charge for repairs, the hourly labor rate shall also be posted. The price of issuance of a certificate of compliance or noncompliance charged by the bureau shall be posted separately from the price of the inspection and reinspection, if any.

28. Section 3340.24, states, in pertinent part:

(c) The bureau may suspend or revoke the license of or pursue other legal

1 action against a licensee, if the licensee falsely or fraudulently issues or obtains a
2 certificate of compliance or certificate of noncompliance.

3 29. Section 3340.30, states, in pertinent part:

4 (a) A licensed technician shall inspect, test and repair vehicles in accordance
5 with section 44012 of the Health and Safety Code, section 44035 of the Health and
6 Safety Code, and section 3340.42 of this article.

7 30. Section 3340.35, states, in pertinent part:

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

13 (1) Customers shall be charged the same price for certificates as that
14 paid by the licensed stations; and

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

16 31. Section 3340.41, states in pertinent part:

17 (c) No person shall enter into the emissions inspections system any vehicle
18 identification information or emission control system identification data for any
19 vehicle other than the one being tested. Nor shall any person knowingly enter into
20 the emissions inspection system any false information about the vehicle being
21 tested.

22 32. Section 3340.42, states, in pertinent part, with the exception of diesel-
23 powered vehicles, the following emissions test methods and standards apply to all vehicles:

24 (a) A loaded-mode test will be used in the enhanced program areas of the
25 state, and shall use the Acceleration Simulation Mode test equipment, including a chassis
26 dynamometer, certified by the bureau.

27 (b) A two-speed idle mode test, unless a different test is otherwise specified
28 in this article, shall be the test method used to inspect vehicles registered in all program
areas of the state, except in those areas where the enhanced program has been implemented.

(c)(1) In the enhanced program areas, heavy-duty vehicles shall be tested
using the loaded-mode test unless the drive axle weight exceeds 5,000 pounds when the
vehicle is unloaded, the vehicle is classified by the DMV as a motorhome, or the vehicle
has a body and/or chassis configuration or modification made for business purposes that
render the vehicle incompatible with loaded-mode testing, or the emissions inspection
system prompts the technician to perform the two-speed idle test.

(2) The term "unloaded" shall mean that the vehicle is not currently
transporting loads for delivery or is not carrying items of a temporary nature, but excludes
items that have been welded, bolted or otherwise permanently affixed to the vehicle, and
tools, supplies, parts, hardware, equipment or devices of a similar nature that are routinely
carried in or on the vehicle in the performance of the work for which the vehicle is
primarily used.

(3) Modifications that render a vehicle incompatible with loaded-mode

1 testing shall not include any tire, wheel, body or chassis modifications made for other than
2 business purposes.

3 (4) If it is determined that a heavy-duty vehicle cannot be subjected to a
4 loaded-mode test for any reason set forth above, the technician shall perform a two-speed
5 idle test. The technician shall also note on the final invoice the justification for the
6 performance of a two-speed idle test.

7 (d) Pursuant to Health and Safety Code section 39032.5, a gross polluter is a
8 vehicle with excess hydrocarbon, carbon monoxide, or oxides of nitrogen emissions;
9 vehicles with emission levels exceeding the emission standards for gross polluters during an
10 initial inspection will be considered gross polluters; a gross polluting vehicle shall not be
11 passed or issued a certificate of compliance until the vehicle's emissions are reduced to or
12 below the applicable emissions standards for the vehicle; this applies to program areas
13 statewide requiring impaction.

14 (e) In addition to the test methods, the following tests shall apply to all
15 vehicles except diesel-powered vehicles, during the Smog Check inspection: a visual
16 inspection of the vehicle's control systems to verify that air injection systems, computer(s)
17 and related sensors and switches, crankcase emissions controls, including positive
18 crankcase ventilation, exhaust gas after treatment systems, including catalytic converters,
19 exhaust gas recirculation systems, fuel evaporative emission controls, fuel metering
20 systems, including carburetors and fuel injection, ignition spark controls, and any emissions
21 control systems that are not otherwise prompted by the Emissions Inspection System, but
22 listed as a requirement by the vehicle manufacturer. During the functional inspection, the
23 technician shall conduct, as applicable, the following tests and verifications of the vehicle:
24 proper operation of the exhaust gas recirculation system, a check of the gasoline filler cap's
25 integrity, proper setting of ignition timing, a low pressure check of the fuel evaporative
26 control system, proper operation of the malfunction indicator or "check engine light," and
27 an on-board diagnostics system test. A liquid leak inspection of the vehicle's fuel storage
28 and delivery systems. An inspection of the vehicle's tailpipe and crankcase for the
emissions of smoke.

COST RECOVERY

33. 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.

UPDATED SMOG CHECK PROGRAM - ON BOARD DIAGNOSTIC SYSTEM

34. On March 9, 2015, California's Smog Check Program was updated to keep pace with
ever-advancing technology. The program update requires the use of an On-Board Diagnostic
Inspection System (BAR-OIS). BAR-OIS is the smog check equipment required in all areas of
the State when inspecting most model-year 2000 and newer gasoline and hybrid vehicles and

1 most 1998 and newer diesel vehicles instead of the BAR-97 emission inspection system (EIS)
2 used for most model year 1999 and older gasoline and hybrid vehicles and 1997 and older diesel
3 vehicles. The BAR-OIS system consists of a certified Data Acquisition Device (DAD),
4 computer, bar code scanner, and printer.

5 35. The DAD is an On Board Diagnostic (OBD) scan tool that, when requested by the
6 California BAR-OIS software, retrieves OBD data from the vehicle. The DAD connects between
7 the BAR-OIS computer and the vehicle's diagnostic link connector. The bar code scanner is used
8 to input technician information, the vehicle identification number, and DMV renewal
9 information. The vehicle identification number (VIN) that is physically present on all vehicles is
10 required to be programmed into the vehicle's On-Board Diagnostics – Generation II (OBD II) on
11 2005 and newer vehicles, and on many occasions was programmed into the OBD II computer in
12 earlier model-years. The electronically programmed VIN, referred to as the "eVIN", is captured
13 by the Bureau during a smog check inspection and should match the physical VIN on the vehicle.
14 The printer is used to provide a Vehicle Inspection Report (VIR), which shows the inspection
15 results and the Smog Check Certificate of Compliance Number for passing vehicles. Data
16 retrieved and recorded during an OIS smog check includes the eVIN, the communication
17 protocol,¹ and the number of Parameter Identifications (PID's)².

18 36. As with the BAR-97 EIS, the technician also performs a visual and functional test on
19 the vehicle. The visual inspection of the emission control components verifies the required
20 emission control devices are present and properly connected and a functional test is performed of
21

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23 ¹ The OBD II communication protocol describes the specific manufacturer/vehicle
24 communication "language" used by the OBD II computer to communicate to scan tools and other
25 devices such as the BAR-OIS. The communication protocol is programmed into the OBD II
26 computer during manufacture and does not change.

27 ² PID's are data points reported by the OBD II computer to the scan tool or BAR-OIS (for
28 example, engine speed (rpm), vehicle speed, engine temperature, etc.) The PID count is the
number of data points reported by the OBD II computer and is programmed during manufacture.
Each make and model vehicle reports a specific number of PID counts; i.e., the PID count does
not vary for that make and model vehicle.

1 the malfunction indicator light. The OIS software makes the determination whether or not the
2 vehicle passes the inspection based on the results of the OBD, visual, and functional tests.

3 **IMPROPER CERTIFICATION**

4 37. On or about July 16, 2016, Respondent Longoria performed an EIS inspection on a
5 1999 Ford F250 Diesel, California License No. 69520A2. Respondent Smog Master issued
6 Certificate of Compliance No. ZF37504C for the vehicle.

7 **FIRST CAUSE FOR DISCIPLINE**

8 (Untrue or Misleading Statements)

9 38. Respondent Smog Master's registration is subject to discipline pursuant to Bus. &
10 Prof. Code Section 9884.7(a)(1), in that Respondent made or authorized statements which
11 Respondent knew or in the exercise of reasonable care should have known to be untrue or
12 misleading. Specifically, Respondent certified that the 1999 Ford F250 Diesel, identified in
13 paragraph 31, above, passed inspection and was in compliance with applicable laws and
14 regulations. In fact, Respondent conducted, or caused to be conducted, a BAR-97 EIS smog
15 check inspection, when a BAR-OIS inspection was required, in order to issue a smog certificate
16 of compliance for the vehicle, and did not test or inspect the vehicles as required by Health & Saf.
17 Code section 44012.

18 **SECOND CAUSE FOR DISCIPLINE**

19 (Fraud)

20 39. Respondent Smog Master's's registration is subject to discipline pursuant to Bus. &
21 Prof. Code section 9884.7(a)(4), in that Respondent committed acts that constitute fraud by
22 issuing electronic smog certificates of compliance for the 1999 Ford F250 Diesel, identified in
23 paragraph 31, above, without ensuring that bona fide inspections were performed of the emission
24 control devices and systems on the vehicles, thereby depriving the People of the State of
25 California of the protection afforded by the Motor Vehicle Inspection Program.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Motor Vehicle Inspection Program – Code Violations)**

3 40. Respondent Smog Master's Station License is subject to discipline pursuant to Health
4 & Saf. Code section 44072.2(a), in that on or about July 16, 2016, regarding the 1999 Ford F250
5 Diesel, identified in paragraph 31, above, Respondent Smog Master violated sections of that
6 Code, as follows:

7 a. **Code section 44012(a):** Respondent Smog Master issued Certificate of Compliance
8 No. ZF37504C for the vehicle using a BAR-97 EIS inspection, when a BAR-OIS inspection was
9 required for that vehicle.

10 b. **Code section 44015:** Respondent Smog Master's technician, Respondent Longoria,
11 issued electronic smog Certificate of Compliance No. ZF37504C for the vehicle without ensuring
12 that the vehicle was properly tested and inspected to determine if it was in compliance with
13 Health and Safety Code section 44012.

14 **FOURTH CAUSE FOR DISCIPLINE**

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

16 41. Respondent Smog Master's Station License is subject to discipline pursuant to Health
17 & Saf. Code section 44072.2(c), in that on or about July 16, 2016, regarding the 1999 Ford F250
18 Diesel, identified in paragraph 31, above, Respondent Smog Master failed to comply with
19 provisions of the Regulations, as follows:

20 a. **Regulations section 3340.35(c):** Respondent Smog Master issued electronic smog
21 Certificate of Compliance No. ZF37504C for the vehicle even though the vehicle had not been
22 inspected in accordance with Regulations section 3340.42.

23 b. **Regulations section 3340.42:** Respondent Smog Master failed to ensure that the
24 required smog test was conducted in accordance with the Bureau's specifications for that vehicle.

25 **FIFTH CAUSE FOR DISCIPLINE**

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

27 42. Respondent Smog Master's Station License is subject to discipline pursuant to Health
28 & Saf. Code section 44072.2(d), in that Respondent committed dishonest, fraudulent, or deceitful

1 acts whereby another was injured by issuing an electronic smog certificate of compliance for the
2 1999 Ford F250 Diesel, identified in paragraph 31, above, without ensuring that a bona fide
3 inspection was performed of the emission control devices and systems on the vehicle, thereby
4 depriving the people of the State of California of the protection afforded by the Motor Vehicle
5 Inspection Program.

6 **SIXTH CAUSE FOR DISCIPLINE**

7 **(Motor Vehicle Inspection Program - Health & Saf. Code Violations)**

8 43. Respondent Longoria's Smog Check Inspector License is subject to discipline
9 pursuant to Health & Saf. Code section 44072.2(a), in that he failed to comply with section 44012
10 of that Code when he failed to perform the emission control tests on the 1999 Ford F250 Diesel,
11 identified in paragraph 31, above, in accordance with procedures prescribed by the department.

12 **SEVENTH CAUSE FOR DISCIPLINE**

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

14 44. Respondent Longoria's Smog Check Inspector License is subject to discipline
15 pursuant to Health & Saf. Code section 44072.2(c), in that regarding the 1999 Ford F250 Diesel,
16 identified in paragraph 31, above, he failed to comply with provisions of the Regulations, as
17 follows:

18 a. **Regulations section 3340.30(a)**: Respondent Longoria failed to inspect and test the
19 vehicle in accordance with Health & Saf. Code section 44012.

20 b. **Regulations section 3340.42**: Respondent Longoria failed to conduct the required
21 smog check inspection methods in accordance with the Bureau's specifications for that vehicle.

22 **EIGHTH CAUSE FOR DISCIPLINE**

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

24 45. Respondent Longoria's smog check inspector's license is subject to discipline
25 pursuant to Health & Saf. Code section 44072.2(d), in that he committed dishonest, fraudulent, or
26 deceitful acts whereby another was injured by using false information for electronic smog
27 certificates of compliance issued for the 1999 Ford F250 Diesel, identified in paragraph 31,
28 above, thereby failing to performing bona fide inspections of the emission control devices and

1 systems on the vehicle and depriving the people of the State of California of the protection
2 afforded by the Motor Vehicle Inspection Program.

3 **REVIEW OF OIS TEST DATA**

4 46. Bureau Representative "D.B." reviewed BAR-OIS test data pertaining to smog
5 inspections conducted at Respondent Smog Master's facility. D.B. found that Respondent
6 performed smog inspections on eight vehicles identified below using a method known as "clean
7 plugging",³ resulting in the issuance of fraudulent certificates of compliance for the vehicles.

8 **Vehicle #1**

9 47. BAR-OIS test data showed that on May 29, 2015, Respondent Garza performed a
10 smog inspection on a 2007 Honda Civic EX (Vehicle 1), resulting in the issuance of Certificate of
11 Compliance No. PS419443C. The BAR-OIS test details for Vehicle 1 showed that the eVIN
12 recorded during the inspection did not match the VIN for Vehicle 1. D.B. reviewed the
13 Comparative OIS Test Data for 2007 Honda Civic EX vehicles and found that the PID count
14 recorded during the smog inspection on Vehicle 1 was not consistent with the PID count for that
15 make and model.

16 48. A VID search revealed that the eVIN reported during the smog inspection on
17 Vehicle 1 belonged to a 2012 Honda Pilot. D.B. concluded that the OIS DAD was not connected
18 to Vehicle 1 during the May 29, 2015, smog inspection, causing the issuance of a fraudulent smog
19 certificate of compliance.

20 **Vehicle #2**

21 49. BAR-OIS test data showed that on June 6, 2015, Respondent Garza performed a
22 smog inspection on a 2006 Ford Econoline E350 Super Duty (Vehicle 2), resulting in the issuance
23 of Certificate of Compliance No. YR935068C. The BAR-OIS test details for Vehicle 2 showed
24 that the eVIN was not recorded during the inspection. D.B. reviewed the Comparative OIS Test
25 Data for 2006 Ford Econoline E350 Super Duty vehicles and found that the eVIN is reported and

26 ³ Clean-plugging is the use of a vehicle's properly functioning OBD II system, or another
27 source, to generate passing diagnostic readings for the purpose of issuing a fraudulent smog
28 certificate of compliance to another vehicle that is not in compliance with the Smog Check
Program and/or is not present for testing.

1 that the communication protocol and PID count recorded during the smog check on Vehicle 2
2 were not consistent with the communication protocol and PID count for that make and model.
3 D.B. concluded that the OIS DAD was not connected to Vehicle 2 during the June 6, 2015, smog
4 inspection, causing the issuance of a fraudulent smog certificate of compliance.

5 50. The Bureau's VID data also showed that on June 8, 2015, a smog inspection was
6 performed by another licensed smog check facility on Vehicle 2. The communication protocol
7 and PID count were consistent with expected values for that make and model and the eVIN was
8 recorded.

9 **Vehicle #3**

10 51. BAR-OIS test data showed that on October 3, 2015, Respondent Garza performed a
11 smog inspection on a 2009 Chevrolet Aveo LS/LT (Vehicle 3), resulting in the issuance of
12 Certificate of Compliance No. PY005585C. The BAR-OIS test details for Vehicle 3 showed that
13 the eVIN recorded during the inspection did not match the VIN for Vehicle 3. D.B. reviewed the
14 Comparative OIS Test Data for 2009 Chevrolet Aveo LS/LT vehicles and found that the PID
15 count recorded during the smog inspection on Vehicle 3 was not consistent with the PID count for
16 that make and model.

17 52. The Bureau's VID data showed that on January 2, 2016, a smog inspection was
18 performed at another licensed Smog Check facility on a 2009 Chevrolet K1500 Suburban LT.
19 The eVIN transmitted to the VID for that vehicle that was the same eVIN that was recorded
20 during the October 3, 2015, smog inspection on Vehicle 3. Further, the communication protocol
21 and PID count recording during the January 2, 2016, smog inspection on that vehicle were the
22 same as the communication protocol and PID count recorded during the October 3, 2015, smog
23 inspection on Vehicle 3.

24 53. D.B. concluded that the OIS DAD was not connected to Vehicle 3 during the
25 October 3, 2015, smog inspection, causing the issuance of a fraudulent smog certificate of
26 compliance.

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1 **Vehicle #4**

2 54. BAR-OIS test data showed that on January 25, 2016, Respondent Asberry performed
3 a smog inspection on a 2007 Subaru Legacy Outback 2.5I AWD (Vehicle 4), resulting in the
4 issuance of Certificate of Compliance No. YX072976C. The BAR-OIS test details for Vehicle 4
5 showed that the eVIN recorded during the inspection did not match the VIN for Vehicle 4. D.B.
6 reviewed the Comparative OIS Test Data for 2007 Subaru Legacy Outback 2.5I AWD vehicles
7 and found that the PID count recorded during the smog inspection on Vehicle 4 was not
8 consistent with the PID count for that make and model.

9 55. A VID search revealed that the eVIN reported during the smog inspection on
10 Vehicle 4 belonged to a 2012 Subaru Forester. D.B. concluded that the OIS DAD was not
11 connected to Vehicle 1 during the January 25, 2016, smog inspection, causing the issuance of a
12 fraudulent smog certificate of compliance.

13 **Vehicle #5**

14 56. BAR-OIS test data showed that on April 7, 2016, Respondent Asberry performed a
15 smog inspection on a 2006 Toyota Scion XA (Vehicle 5), resulting in the issuance of Certificate
16 of Compliance No. ZB568066C. The BAR-OIS test details for Vehicle 5 showed that the eVIN
17 recorded during the inspection did not match the VIN for Vehicle 5. D.B. reviewed the
18 Comparative OIS Test Data for 2006 Toyota Scion XA vehicles and found that the PID count
19 recorded during the smog inspection on Vehicle 5 was not consistent with the PID count for that
20 make and model.

21 57. The Bureau's VID data showed that on October 31, 2016, a smog inspection was
22 performed at Respondent Smog Master's facility on a 2008 Toyota 4Runner SR5/Sport Edition
23 with an eVIN transmitted to the VID that was the same eVIN that was recorded during the smog
24 inspection on Vehicle 5. Further, the communication protocol and PID count recorded during the
25 October 31, 2016, smog inspection on that vehicle were the same as the communication protocol
26 and PID count recorded during the April 7, 2016, smog inspection on Vehicle 5.

27 58. D.B. concluded that the OIS DAD was not connected to Vehicle 5 during the April 7,
28 2016, smog inspection, causing the issuance of a fraudulent smog certificate of compliance.

1 **Vehicle #6**

2 59. BAR-OIS test data showed that on July 5, 2016, Respondent Asberry performed a
3 smog inspection on a 2008 Hyundai Sonata SE/Limited (Vehicle 6), resulting in the issuance of
4 Certificate of Compliance No. ZF685373C. The BAR-OIS test details for Vehicle 6 showed that
5 the eVIN recorded during the inspection did not match the VIN for Vehicle 6. D.B. reviewed the
6 Comparative OIS Test Data for 2008 Hyundai Sonata SE/Limited vehicles and found that the PID
7 count recorded during the smog inspection on Vehicle 6 was not consistent with the PID count for
8 that make and model.

9 60. A VID search revealed that the eVIN reported during the smog inspection on
10 Vehicle 6 belonged to a 2011 Hyundai Sonata GLS. D.B. concluded that the OIS DAD was not
11 connected to Vehicle 6 during the July 5, 2016, smog inspection, causing the issuance of a
12 fraudulent smog certificate of compliance.

13 **Vehicle #7**

14 61. BAR-OIS test data showed that on July 19, 2016, Respondent Asberry performed a
15 smog inspection on a 2006 Lexus GS 300 (Vehicle 7), resulting in the issuance of Certificate of
16 Compliance No. ZH151626C. The BAR-OIS test details for Vehicle 7 showed that the eVIN
17 recorded during the inspection did not match the VIN for Vehicle 7. D.B. reviewed the
18 Comparative OIS Test Data for 2006 Lexus GS 300 vehicles and found that the PID count
19 recorded during the smog inspection on Vehicle 7 was not consistent with the PID count for that
20 make and model.

21 62. The Bureau's VID data showed that on December 30, 2016, a smog inspection was
22 performed at Respondent Smog Master's facility on a 2007 Lexus LS 460 with an eVIN
23 transmitted to the VID that was the same eVIN that was recorded during the July 19, 2016, smog
24 inspection on Vehicle 7. Further, the communication protocol and PID count recording during
25 the December 30, 2016, smog inspection on that vehicle were the same as the communication
26 protocol and PID count recorded during the July 19, 2016, smog inspection on Vehicle 7.

27 63. D.B. concluded that the OIS DAD was not connected to Vehicle 7 during the July 19,
28 2016, smog inspection, causing the issuance of a fraudulent smog certificate of compliance.

1 **Vehicle #8**

2 64. BAR-OIS test data showed that on July 28, 2016, Respondent Longoria performed a
3 smog inspection on a 2003 Mitsubishi Outlander LS (Vehicle 8), resulting in the issuance of
4 Certificate of Compliance No. ZH310376C. D.B. reviewed the Comparative OIS Test Data for
5 2003 Mitsubishi Outlander LS vehicles and found that the communication protocol and PID count
6 recorded during the smog inspection on Vehicle 8 was not consistent with the communication
7 protocol and PID count for that make and model.

8 65. A VID search revealed that the eVIN reported during the smog inspection on
9 Vehicle 8 belonged to a 2011 Nissan Murano Cross Cabriolet. D.B. concluded that the OIS DAD
10 was not connected to Vehicle 8 during the July 28, 2016, smog inspection, causing the issuance of
11 a fraudulent smog certificate of compliance.

12 **Field Visit**

13 66. On or about August 22, 2016, during a field visit to Respondent Smog Master's
14 facility, D.B. and another Bureau representative requested Respondent's records pertaining to
15 Vehicle 2, set forth in paragraphs 43 and 44, above. Respondent Smog Master was unable to
16 locate, and failed to provide the Bureau with, the invoice or VIR for that vehicle.

17 **NINTH CAUSE FOR DISCIPLINE**

18 **(Untrue or Misleading Statements)**

19 67. Respondent Smog Master's registration is subject to discipline pursuant to Code
20 section 9884.7(a)(1), in that Respondent Smog Master made or authorized statements which it
21 knew or in the exercise of reasonable care should have known to be untrue or misleading.
22 Specifically, Respondent Smog Master certified that Vehicles 1 through 8, identified in
23 paragraphs 41 through 59 above, passed inspection and were in compliance with applicable laws
24 and regulations. In fact, Respondent Smog Master conducted, or caused to be conducted, smog
25 inspections on the vehicles using clean-plugging methods, in that Respondent Smog Master
26 substituted different vehicles during the inspections in order to issue smog certificates of
27 compliance for the vehicles, and did not test or inspect the vehicles as required by Health & Saf.
28 Code section 44012.

1 **TENTH CAUSE FOR DISCIPLINE**

2 **(Fraud)**

3 68. Respondent Smog Master's registration is subject to discipline pursuant to Code
4 section 9884.7(a)(4), in that Respondent Smog Master committed acts that constitute fraud by
5 issuing electronic smog certificates of compliance for Vehicles 1 through 8, identified in
6 paragraphs 41 through 59 above, without ensuring that bona fide inspections were performed of
7 the emission control devices and systems on the vehicles, thereby depriving the People of the
8 State of California of the protection afforded by the Motor Vehicle Inspection Program.

9 **ELEVENTH CAUSE FOR DISCIPLINE**

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

11 69. Respondent Smog Master's Station License is subject to discipline pursuant to Health
12 & Saf. Code section 44072.2(a), in that regarding Vehicles 1 through 8, identified in paragraphs
13 41 through 59 above, Respondent Smog Master failed to comply with the following sections of
14 that Code, as follows:

15 a. **Section 44012(a)**: Respondent Smog Master failed to ensure that the emission
16 control tests were performed on the vehicles in accordance with procedures prescribed by the
17 department.

18 b. **Section 44015**: Respondent Smog Master issued electronic smog certificates of
19 compliance for the vehicles without ensuring that the vehicles were properly tested and inspected
20 to determine if they were in compliance with Health & Saf. Code section 44012.

21 **TWELFTH CAUSE FOR DISCIPLINE**

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

23 70. Respondent Smog Master's Station License is subject to discipline pursuant to Health
24 & Saf. Code section 44072.2(c), in that Respondent Smog Master failed to comply with
25 Regulations, as follows:

26 a. **Section 3340.15(e)**: Respondent Smog Master, as a licensee, failed to make, keep or
27 make available for inspection by the Bureau, copies of the vehicle inspection report and invoice
28 for the smog inspection on Vehicle 2, as set forth in paragraph 60, above.

b. **Section 3340.35(c)**: Respondent Smog Master issued electronic smog certificates of compliance for Vehicles 1 through 8, identified in paragraphs 41 through 59 above, even though the vehicles had not been inspected in accordance with Regulation section 3340.42.

c. **Section 3340.42:** Respondent Smog Master failed to ensure that the required smog tests were conducted on Vehicles 1 through 8, identified in paragraphs 41 through 59 above, in accordance with the Bureau's specifications.

THIRTEENTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud or Deceit)

71. Respondent Smog Master's Station license is subject to discipline pursuant to Health & Saf. Code section 44072.2(d), in that Respondent Smog Master committed dishonest, fraudulent, or deceitful acts whereby another was injured by issuing electronic smog certificates of compliance for Vehicles 1 through 8, identified in paragraphs 41 through 59 above, without ensuring that a bona fide inspection was performed of the emission control devices and systems on the vehicles, thereby depriving the people of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

FOURTEENTH CAUSE FOR DISCIPLINE

(Failure to Maintain Vehicle Inspection Report and Invoice)

72. Respondent Smog Master's Station License is subject to discipline pursuant to Health & Saf. Code section 44072.2(g), in that Respondent Smog Master, as a licensee, failed to make, keep, or make available for inspection by the Bureau, copies of the vehicle inspection report and invoice for the smog inspection on Vehicle 2, as set forth in paragraph 60, above.

FIFTEENTH CAUSE FOR DISCIPLINE

(Violations of Motor Vehicle Inspection Program)

73. Respondent Garza's Smog Check Inspector License is subject to discipline pursuant to Health & Saf. Code section 44072.2(a), in that Respondent Garza violated section 44012 of that Code. Specifically, Respondent Garza failed to perform the emission control tests on Vehicles 1 through 3, identified in paragraphs 41 through 47 above, in accord with procedures prescribed by the department.

1 **SIXTEENTH CAUSE FOR DISCIPLINE**

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

3 74. Respondent Garza's Smog Check Inspector License is subject to discipline pursuant
4 to Health & Saf. Code section 44072.2(c), in that regarding Vehicles 1 through 3, identified in
5 paragraphs 41 through 47 above, he failed to comply with provisions of the Regulations, as
6 follows:

7 a. **Section 3340.30(a)**: Respondent Garza failed to inspect and test the vehicles in
8 accordance with Health & Saf. Code sections 44012 and 44035, and Regulations, section
9 3340.42.

10 b. **Section 3340.42**: Respondent Garza failed to conduct the required smog tests on the
11 vehicles in accordance with the Bureau's specifications.

12 **SEVENTEENTH CAUSE FOR DISCIPLINE**

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

14 75. Respondent Garza's Smog Check Inspector and Smog Check Repair Technician
15 licenses are subject to discipline pursuant to Health & Saf. Code section 44072.2(d), in that he
16 committed dishonest, fraudulent, or deceitful acts whereby another was injured by using false
17 information for electronic smog certificates of compliance issued for Vehicles 1 through 3,
18 identified in paragraphs 41 through 47 above, thereby failing to performing bona fide inspections
19 of the emission control devices and systems on the vehicles and depriving the people of the State
20 of California of the protection afforded by the Motor Vehicle Inspection Program.

21 **EIGHTEENTH CAUSE FOR DISCIPLINE**

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

23 76. Respondent Asberry's Smog Check Inspector License is subject to discipline pursuant
24 to Health & Saf. Code section 44072.2(a), in that Respondent Asberry violated section 44012 of
25 that Code. Specifically, Respondent Asberry failed to perform the emission control tests on
26 Vehicles 4 through 7, identified in paragraphs 48 through 57 above, in accord with procedures
27 prescribed by the department.

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1 **NINETEENTH CAUSE FOR DISCIPLINE**

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

3 77. Respondent Asberry's Smog Check Inspector License is subject to discipline pursuant
4 to Health & Saf. Code section 44072.2(c), in that regarding Vehicles 4 through 7, identified in
5 paragraphs 48 through 57 above, he failed to comply with provisions of the Regulations, as
6 follows:

7 a. **Section 3340.30(a)**: Respondent Asberry failed to inspect and test the vehicles in
8 accordance with Health & Saf. Code sections 44012 and 44035, and Regulations, section
9 3340.42.

10 b. **Section 3340.42**: Respondent Asberry failed to conduct the required smog tests on
11 the vehicles in accordance with the Bureau's specifications.

12 **TWENTIETH CAUSE FOR DISCIPLINE**

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

14 78. Respondent Asberry's Smog Check Inspector and Smog Check Repair Technician
15 licenses are subject to discipline pursuant to Health & Saf. Code section 44072.2(d), in that he
16 committed dishonest, fraudulent, or deceitful acts whereby another was injured by using false
17 information for electronic smog certificates of compliance issued for Vehicles 4 through 7,
18 identified in paragraphs 48 through 57 above, thereby failing to performing bona fide inspections
19 of the emission control devices and systems on the vehicles and depriving the people of the State
20 of California of the protection afforded by the Motor Vehicle Inspection Program.

21 **TWENTY-FIRST CAUSE FOR DISCIPLINE**

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

23 79. Respondent Longeria's Smog Check Inspector License is subject to discipline
24 pursuant to Health & Saf. Code section 44072.2(a), in that Respondent Longeria violated section
25 44012 of that Code. Specifically, Respondent Longeria failed to perform the emission control
26 tests on Vehicle 8, identified in paragraphs 58 and 59 above, in accord with procedures prescribed
27 by the department.

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1 **TWENTY-SECOND CAUSE FOR DISCIPLINE**

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

3 80. Respondent Longeria's Smog Check Inspector License is subject to discipline
4 pursuant to Health & Saf. Code section 44072.2(c), in that regarding Vehicle 8, identified in
5 paragraphs 58 and 59 above, he failed to comply with provisions of the Regulations, as follows:

6 a. **Section 3340.30(a)**: Respondent Longeria failed to inspect and test the vehicle in
7 accordance with Health & Saf. Code sections 44012 and 44035, and Regulations, section
8 3340.42.

9 b. **Section 3340.42**: Respondent Longeria failed to conduct the required smog tests on
10 the vehicle in accordance with the Bureau's specifications.

11 **TWENTY-THIRD CAUSE FOR DISCIPLINE**

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

13 81. Respondent Longeria's Smog Check Inspector and Smog Check Repair Technician
14 licenses are subject to discipline pursuant to Health & Saf. Code section 44072.2(d), in that he
15 committed dishonest, fraudulent, or deceitful acts whereby another was injured by using false
16 information for a electronic smog certificate of compliance issued for Vehicle 8, identified in
17 paragraphs 58 and 59 above, thereby failing to performing bona fide inspections of the emission
18 control devices and systems on the vehicle and depriving the people of the State of California of
19 the protection afforded by the Motor Vehicle Inspection Program.

20 **TWENTY-FOURTH CAUSE FOR DISCIPLINE**

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

22 82. Respondent Khosrozadhe's Smog Check Inspector license is subject to discipline
23 pursuant to Health & Saf. Code section 44072.2(d), in that he committed dishonest, fraudulent, or
24 deceitful acts whereby another was injured by allowing the use of false information for electronic
25 smog certificates of compliance issued for Vehicles 1 through 8, identified in paragraphs 41
26 through 59 above, thereby depriving the people of the State of California of the protection
27 afforded by the Motor Vehicle Inspection Program.

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OTHER MATTERS

83. Under Code section 9884.7(c), the Director may invalidate temporarily or permanently or refuse to validate, the registrations for all places of business operated in this state by Farhad Arbabzadeh and Massoud Khosrozadehe as partners, doing business as Smog Master, upon a finding that they have, or are, engaged in a course of repeated and willful violations of the laws and regulations pertaining to an automotive repair dealer.

84. Under Health & Saf. Code section 44072.8, if Smog Check, Test Only Station License No. TC 228231, issued to Farhad Arbabzadeh and Massoud Khosrozadehe as partners, doing business as Smog Master, is revoked or suspended, Smog Check, Test Only Station License number TC 228228, issued to Farhad Arbabzadeh and Massoud Khosrozadehe as partners, doing business as Smog Master, Smog Check, Test Only Station License No. TC 266346, issued to Farhad Arbabzadeh, as owner of Smog Master, and any additional license issued under this chapter in the name of said licensee may be likewise revoked or suspended by the director.

85. Under Code section 9884.7(c), the Director may invalidate temporarily or permanently or refuse to validate, the registrations for all places of business operated in this state by Farhad Arbabzadeh and Massoud Khosrozadehe as partners, doing business as Smog Master, upon a finding that they have, or are, engaged in a course of repeated and willful violations of the laws and regulations pertaining to an automotive repair dealer.

86. Under Code section 9884.7(c), the Director may invalidate temporarily or permanently or refuse to validate, the registrations for all places of business operated in this state by Farhad Arbabzadeh, doing business as Smog Master, upon a finding that he has, or is, engaged in a course of repeated and willful violations of the laws and regulations pertaining to an automotive repair dealer.

87. Under Health & Saf. Code section 44072.8, if Smog Check Inspector License No. EO 147321 or Smog Check Repair Technician License No. EI 147321 issued to Daniel Garza is revoked or suspended, then any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health & Saf. Code in the name of said licensee may be likewise revoked or suspended by the Director.

88. Under Health & Saf. Code section 44072.8, if Smog Check Inspector License No. EO 305659 or Smog Check Repair Technician License No. EI 305659 issued to Ronald P. Asberry, Jr. is revoked or suspended, then any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health & Saf. Code in the name of said licensee may be likewise revoked or suspended by the Director.

89. Under Health & Saf. Code section 44072.8, if Smog Check Inspector License No. EO 313712 or Smog Check Repair Technician License No. EI 313712 issued to Alfonso Avila Longoria is revoked or suspended, then any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health & Saf. Code in the name of said licensee may be likewise revoked or suspended by the Director.

90. Under Health & Saf. Code section 44072.8, if Smog Check Inspector License No. EO 127907 issued to Massoud Khosrozadhe is revoked or suspended, then any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health & Saf. Code in the name of said licensee 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 No. ARD 228231, issued to Farhad Arbabzadeh and Massoud Khosrozadehe, doing business as Smog Master;
2. Revoking or suspending Automotive Repair Dealer Registration No. ARD 228228, issued to Farhad Arbabzadeh and Massoud Khosrozadehe, doing business as Smog Master;
3. Revoking or suspending any other automotive repair dealer registration issued to Farhad Arbabzadeh and Massoud Khosrozadehe;
4. Revoking or suspending Smog Check Station License No. TC 228231, issued to Farhad Arbabzadeh and Massoud Khosrozadehe, doing business as Smog Master;
5. Revoking or suspending Smog Check Station License No. TC 228228, issued to Farhad Arbabzadeh and Massoud Khosrozadehe, doing business as Smog Master;

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1 6. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
2 Division 26 of the Health and Safety Code in the name of Farhad Arbabzadeh and Massoud
3 Khosrozadehe;

4 7. Revoking or suspending Automotive Repair Dealer Registration No. ARD 266346,
5 issued to Farhad Arbabzadeh, doing business as Smog Master;

6 8. Revoking or suspending any other automotive repair dealer registration issued to
7 Farhad Arbabzadeh;

8 9. Revoking or suspending Smog Check Station License No. TC 266346, issued to
9 Farhad Arbabzadeh, doing business as Smog Master;

10 10. Revoking or suspending any additional license issued under Chapter 5 of the Health
11 and Safety Code in the name of Farhad Arbabzadeh, doing business as Smog Master;

12 11. Revoking or suspending Smog Check Repair Technician License No. EI 147321 or
13 Smog Check Inspector License No. EO 147321 issued to Daniel Garza;

14 12. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
15 Division 26 of the Health and Safety Code in the name of Daniel Garza;

16 13. Revoking or suspending Smog Check Repair Technician License No. EI 305659 or
17 Smog Check Inspector License No. EO 305659 issued to Ronald P. Asberry, Jr.;

18 14. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
19 Division 26 of the Health and Safety Code in the name of Ronald P. Asberry, Jr.;

20 15. Revoking or suspending Smog Check Repair Technician License No. EI 313712 or
21 Smog Check Inspector License No. EO 313712 issued to Alfonso Avila Longoria;

22 16. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
23 Division 26 of the Health and Safety Code in the name of Alfonso Avila Longoria;

24 17. Revoking or suspending Smog Check Inspector License No. EO 127907 issued to
25 Massoud Khosrozadhe;

26 18. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
27 Division 26 of the Health and Safety Code in the name of Massoud Khosrozadhe;

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1 19. Ordering Farhad Arbabzadeh, Massoud Khosrozadehe, Daniel Garza, Ronald P.
2 Asberry, Jr., and Alfonso Avila Longoria to pay the Bureau of Automotive Repair the reasonable
3 costs of the investigation and enforcement of this case, pursuant to Business and Professions
4 Code section 125.3; and,

5 20. Taking such other and further action as deemed necessary and proper.

6 DATED: October 24, 2017 Patrick Dorais

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

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