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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:

Case No. 17/16-30

12 **AKRAM SALMAN SEAGHAT**
13 **DBA ERICS SMOG TEST ONLY**
14 18102 Victory Blvd., Unit # B
Reseda, CA 91335

PETITION TO REVOKE PROBATION

15 **Automotive Repair Dealer Registration No.**
ARD 240241

16 **Smog Check, Test Only, Station License No.**
17 **TC 240241**

18 **AND**

19 **AKRAM SALMAN SEAGHAT**
20 18102 Victory Blvd. Unit B
Reseda, CA 91335

21 **Advanced Emission Specialist Technician**
22 **License No. EA 148483, redesignated as**
EO/EI 148483

23
24 Respondents.

25 Complainant alleges:

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1 PARTIES

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

5 2. On or about July 20, 2005, the Bureau of Automotive Repair issued Automotive
6 Repair Dealer Registration Number ARD 240241 to Akram Salman Seaghat dba Erics Smog Test
7 Only (Respondent). The Automotive Repair Dealer Registration was in effect at all times
8 relevant to the charges brought herein and will expire on June 30, 2016, unless renewed.

9 **Automotive Repair Dealer Registration No. ARD 240241**

10 3. On or about July 20, 2005, the Bureau of Automotive Repair issued Automotive
11 Repair Dealer Registration Number ARD 240241 to Erics Smog Test Only; Akram Salman
12 Seaghat, owner of Erics Smog Test Only. The Automotive Repair Dealer Registration will expire
13 on June 30, 2016, unless renewed.

14 **Smog Check, Test Only, Station License No. TC 240241**

15 4. On or about July 26, 2005, the Bureau of Automotive Repair issued Smog Check,
16 Test Only, Station License Number TC 240241 to Akram Salman Seaghat dba Erics Smog Test
17 Only. The Smog Check, Test Only, Station License was in effect at all times relevant to the
18 charges brought herein and will expire on June 30, 2016, unless renewed.

19 **Advanced Emission Specialist Technician License No. EA 148483**

20 5. In or about 2004, the Bureau issued Advanced Emission Specialist Technician
21 License Number EA 148483 to Akram Salman Seaghat. The advanced emission specialist
22 technician license was due to expire on September 30, 2012, however was cancelled on
23 September 28, 2012. Upon renewal of the license effective September 28, 2012, the license was
24 redesignated as EO148483 and/or EI 148483 (technician licenses).¹ The Smog Check Inspector
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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 (EO) License will expire on September 30, 2016. The Smog Check Repair Technician (EI)
2 License expired on September 30, 2014.

3 **DISCIPLINARY HISTORY**

4 6. In a disciplinary action entitled "In the Matter of Accusation Against Akram Salman
5 Seaghat DBA Erics Smog Test Only," Case No. 79/11-16, the Director of Consumer Affairs for
6 the Bureau of Automotive Repair, issued a decision, effective October 4, 2012, in which
7 Rcspondent's Automotive Repair Dealer Registration was revoked. However, the revocation was
8 stayed and Respondent's Automotive Repair Dealer Registration was placed on probation for a
9 period of three (3) years with certain terms and conditions. Also, Respondent's Automotive
10 Repair Dealer Registration, Smog Check Test Only Station License and Advanced Emission
11 Specialist Technician License were suspended for a period of thirty (30) days. A copy of that
12 decision is attached as Exhibit A and is incorporated by rference.

13 **JURISDICTION**

14 7. This Petition to Revoke Probation is brought before the Director of Consumer Affairs
15 (Director) for the Bureau of Automotive Repair under Probation Term and Condition E
16 subdivision (i), and subdivision (vii) of the Decision and Order "In the Matter of the Accusation
17 Against Akram Salman Seaghat DBA Erics Smog Test Only", Case No. 79/11-16. The terms and
18 conditions state:

19 "During the period of probation, Respondent shall:

20 (i) Comply with all statutes, regulations, and rules governing automotive inspections,
21 estimates, and repairs."

22 (vii) Should the Director of Consumer Affairs determine that Rcspondent has failed to
23 comply with the terms and conditions of probation, the Department may, after giving notice and
24 opportunity to be heard permanently invalidate the registration and revoke the two involved
25 licenses."

26 8. Grounds exist to revoke Respondent's probation and reimpose the order of revocation
27 of his Automotive Repair Dealer Registration, Smog Check Station License and Advanced
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1 Emission Specialist Technician License in that he has violated the term and condition of his
2 probation.

3 **CAUSE TO REVOKE PROBATION**

4 **(Failure to Comply with All Statutes, Regulations and Rules Governing Automotive**
5 **Inspections, Estimates, and Repairs)**

6 9. At all times after the effective date of Respondent's probation, Condition E
7 subdivision (i) of the Decision and Order stated: Comply with all statutes, regulations, and rules
8 governing automotive inspections, estimates, and repairs," as referenced above. The facts and
9 circumstances regarding this violation are as follows.

10 **PROBATION RUN- APRIL 8, 2015**

11 10. On or about April 8, 2015, a Bureau undercover operator drove a Bureau-documented
12 1989 Chevrolet, with a documented non-functional exhaust gas recirculation valve to
13 Respondent's facility to request a smog inspection. Prior to the undercover run, a bureau
14 representative visually verified that the tamper indicator on the exhaust gas recirculation valve
15 was intact. After the inspection was performed, the Bureau undercover operator paid \$78.00 and
16 signed an estimate. The Bureau undercover operator was also provided with a copy of invoice #
17 [REDACTED], estimate # [REDACTED], and the Vehicle Inspection Report. After the undercover run, a
18 Bureau representative re-inspected the vehicle and verified that the above-referenced introduced
19 malfunction remained the same.

20 11. On April 29, 2015, a Bureau representative verified the previously installed tamper
21 indicators were intact. The Bureau representative performed a Smog Check inspection on the
22 vehicle and the vehicle continued to fail the functional portion of the inspection for failed EGR
23 system. The Bar97 Test Detail from the Bureau's Vehicle Information Database (VID) noted that
24 on April 8, 2015, Respondent's facility issued a Certificate of Compliance to the Bureau-
25 documented 1989 Chevrolet. The Bureau smog certificate sales records show that this certificate
26 was purchased by subject facility on March 6, 2015.

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1 **OTHER MATTERS**

2 12. Pursuant to Bus. & Prof. Code section 9884.7, subdivision (c), the Director may
3 invalidate temporarily or permanently, the registrations for all places of business operated in this
4 state by Respondent Erics Smog Test Only; Akram Salman Seaghat, upon a finding that said
5 Respondent has, or is, engaged in a course of repeated and willful violations of the laws and
6 regulations pertaining to an automotive repair dealer.

7 13. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Test Only Station
8 License Number TC 240241, issued to Erics Smog Test Only; Akram Salman Seaghat, is revoked
9 or suspended, any additional license issued under this chapter in the name of said licensee may be
10 likewise revoked or suspended by the Director.

11 14. Pursuant to Health & Saf. Code section 44072.8, if Advanced Emission Specialist
12 Technician License Number EA 148483, issued to Akram Salman Seaghat, is revoked or
13 suspended, any additional license issued under this chapter in the name of said licensee may be
14 likewise revoked or suspended by the Director.

15 **PRAYER**

16 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
17 Accusation and Petition to Revoke Probation, and that following the hearing, the Director of
18 Consumer Affairs issue a decision:

19 1. Revoking the probation that was granted by the Bureau of Automotive Repair in Case
20 No. 79/11-16 and imposing the disciplinary order that was stayed thereby revoking Automotive
21 Repair Dealer Registration No. ARD 240241, Smog Check Test Only Station License Number
22 TC 240241 and Advanced Emission Specialist Technician License Number EA 148483,
23 redesignated as EO148483 and/or EI 148483 (technician licenses) issued to Erics Smog Test
24 Only; Akram Salman Seaghat;

25 2. Revoking or suspending Automotive Repair Dealer Registration No. ARD 240241,
26 issued to Erics Smog Test Only; Akram Salman Seaghat;

27 3. Revoking or suspending Smog Check Test Only Station License No. TC 240241,
28 issued to Erics Smog Test Only; Akram Salman Seaghat;

1 4. Revoking or suspending Advanced Emission Specialist Technician License Number
2 EA 148483, redesignated as EO148483 and/or EI 148483 (technician licenses) issued to Eric
3 Smog Test Only; Akram Salman Scaghat; and,

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

5
6 DATED: September 24, 2015 Patrick Dorais

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

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Exhibit A

Decision and Order

Bureau of Automotive Repair Case No. 79/11-16