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

11 In the Matter of the Accusation Against:

Case No. 79/16-32

12 **BLUE SMOG CENTER TEST ONLY;**  
13 **ANNA MELIKYAN, OWNER**  
9009 Sunland Blvd.  
14 Sun Valley, CA 91352

**ACCUSATION**

15 Mailing Address:  
5841 Edmund Ave.  
16 La Crescenta, CA 91214

17 Automotive Repair Dealer Registration No.  
ARD 242907  
18 Smog Check Test Only Station License No.  
TC 242907

19 **and**

20 **ANOOSHAVAN ALLAHVERDI**  
5841 Edmund Ave.  
21 La Crescenta, CA 91214

22 Smog Check Inspector License No.  
23 EO 147917

24 Respondents.

25 Complainant alleges:

26 **PARTIES**

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



1           7.     Section 9884.7 of the Bus. & Prof. Code states, in pertinent part:

2           “(a) The director, where the automotive repair dealer cannot show there was a bona fide  
3 error, may refuse to validate, or may invalidate temporarily or permanently, the registration of an  
4 automotive repair dealer for any of the following acts or omissions related to the conduct of the  
5 business of the automotive repair dealer, which are done by the automotive repair dealer or any  
6 automotive technician, employee, partner, officer, or member of the automotive repair dealer.

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

10          “(4) Any other conduct which constitutes fraud.”

11          “ . . . .

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

14          “ . . . .

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

19           8.     Section 9889.3 of the Bus. & Prof. Code states, in pertinent part:

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

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

24           “(b) Is convicted of any crime substantially related to the qualifications, functions, or duties  
25 of the licenseholder in question.”

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

1           10. Section 44012 of the Health & Saf. Code provides, in pertinent part, that tests at smog  
2 check stations shall be performed in accordance with procedures prescribed by the department.

3           11. Section 44015, subdivision (b), of the Health & Saf. Code provides that a certificate  
4 of compliance shall be issued if a vehicle meets the requirements of Health & Saf. Code section  
5 40012.

6           12. Section 44032 of the Health & Saf. Code provides, in pertinent part, that “[q]ualified  
7 technicians shall perform tests of emission control devices and systems in accordance with  
8 Section 44012.”

9           13. Section 44059 of the Health & Saf. Code provides:

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

14           14. Section 44072.2 of the Health & Saf. Code states, in pertinent part:

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

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

21           “(b) Is convicted of any crime substantially related to the qualifications, functions, or  
22 duties of the licenseholder in question.

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

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

25           15. Section 44072.8 of the Health & Saf. Code states:

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

1 **REGULATORY PROVISIONS**

2 16. California Code of Regulations (CCR), title 16, section 3340.24, subdivision (c),  
3 states:

4 "The bureau may suspend or revoke the license of or pursue other legal action against a  
5 licensee, if the licensee falsely or fraudulently issues or obtains a certificate of compliance or a  
6 certificate of noncompliance."

7 17. CCR, title 16, section 3340.30, subdivision (a), states that a licensed smog technician  
8 shall at all times "[i]nspect, test and repair vehicles, as applicable, in accordance with section  
9 44012 of the Health & Saf. Code, section 44035 of the Health & Saf. Code, and section 3340.42  
10 of this article."

11 18. CCR, title 16, section 3340.35, subdivision (c), states that a licensed smog check  
12 station "shall issue a certificate of compliance or noncompliance to the owner or operator of any  
13 vehicle that has been inspected in accordance with the procedures specified in section 3340.42 of  
14 this article and has all the required emission control equipment and devices installed and  
15 functioning correctly."

16 19. CCR, title 16, section 3340.41, subdivision (c), provides: "No person shall enter into  
17 the emissions inspection system any vehicle identification information or emission control system  
18 identification data for any vehicle other than the one being tested. Nor shall any person  
19 knowingly enter into the emissions inspection system any false information about the vehicle  
20 being tested."

21 20. CCR, title 16, section 3340.42, sets forth specific emissions test methods and  
22 procedures which apply to all vehicles inspected in the State of California.

23 **COST RECOVERY**

24 21. Section 125.3, subdivision (a), of the Bus. & Prof. Code provides, in pertinent part,  
25 that a Board "may request the administrative law judge to direct a licentiate found to have  
26 committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable  
27 costs of the investigation and enforcement of the case."

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**VIDEO SURVEILLANCE OPERATION – MARCH 24-27, 2014**

22. From March 24, 2014 through March 27, 2014, representatives of the Bureau conducted a video surveillance operation of Respondent Melikyan's smog check facility. The surveillance video and information obtained from the Bureau's vehicle information database showed that Respondent Allahverdi employed a method commonly known as clean piping<sup>2</sup> during the following smog inspections, resulting in the issuance of fraudulent certificates of compliance for the following five (5) vehicles:

<b>Date &amp; Time of Inspection</b>	<b>Vehicle in Emission Inspection System (EIS) Data and License No.</b>	<b>Vehicle Actually Tested</b>	<b>Certificate No.</b>
3/24/2014 1422-1437	1997 Jeep Grand Cherokee 3WNH650	White 1998 Jeep Grand Cherokee 3XSY310	PG036158C
3/25/2014 1114-1134	1998 Toyota Camry 4AVU767	Black 199 Toyota Camry 4FZB748	PG036168C
3/26/2014 1507-1520	1996 Nissan Quest 5HHG383	Red Mercury Sable 7ABK169	PG036185C
3/27/2014 1104-1120	1992 Nissan Pickup 4M64068	Black 1999 Nissan Frontier Pickup 7L49687	PG036189C
3/27/2014 1456-1519	1987 Honda Civic 6NJK145	Silver 1999 Honda Civic 6SLF144	PG036193C

<sup>2</sup> "Clean piping" is sampling the (clean) tailpipe emissions and/or the RPM readings of another vehicle for the purpose of illegally issuing smog certifications to vehicles that are not in compliance or are not present in the smog check area during the time of the certification.

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Misleading Statements)**

3 23. Respondent Melikyan has subjected her Automotive Repair Dealer Registration to  
4 discipline under Bus. & Prof. Code section 9884.7, subdivision (a)(1), in that between March 24,  
5 2014, and March 27, 2014, she made statements which she knew or which by exercise of  
6 reasonable care should have known were untrue or misleading when she issued electronic  
7 certificates of compliance to the vehicles listed above in paragraph 22, certifying those vehicles as  
8 being in compliance with applicable laws and regulations when, in fact, those vehicle had not  
9 been inspected. Complainant refers to, and by this reference incorporates, the allegations  
10 contained in paragraph 22, as though set forth fully herein.

11 **SECOND CAUSE FOR DISCIPLINE**

12 **(Fraud)**

13 24. Respondent Melikyan has subjected her Automotive Repair Dealer Registration to  
14 discipline under Bus. & Prof. Code section 9884.7, subdivision (a)(4), in that between March 24,  
15 2014, and March 27, 2014, she committed acts which constitute fraud by issuing electronic  
16 certificates of compliance for the vehicles listed above in paragraph 22 without performing a bona  
17 fide inspection of the emission control devices and systems on those vehicles, thereby depriving  
18 the People of the State of California of the protection afforded by the Motor Vehicle Inspection  
19 Program. Complainant refers to, and by this reference incorporates, the allegations contained in  
20 paragraph 22, as though set forth fully herein.

21 **THIRD CAUSE FOR DISCIPLINE**

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

23 25. Respondent Melikyan has subjected her Automotive Repair Dealer Registration to  
24 discipline under Bus. & Prof. Code section 9884.7, subdivision (a)(6), in that between March 24,  
25 2014, and March 27, 2014, she failed in a “material respect to comply with the provisions of this  
26 chapter or regulations adopted pursuant to it” when she issued electronic certificates of  
27 compliance to the vehicles listed above in paragraph 22 without performing bona fide inspections  
28 of the emission control devices and systems on those vehicles, thereby depriving the People of the

1 State of California of the protection afforded by the Motor Vehicle Inspection Program.  
2 Complainant refers to, and by this reference incorporates, the allegations contained in paragraph  
3 22, as though set forth fully herein.

4 **FOURTH CAUSE FOR DISCIPLINE**

5 **(Violation of the Motor Vehicle Inspection Program)**

6 26. Respondent Melikyan has subjected her Smog Check Test Only Station License to  
7 discipline under Health & Saf. Code section 44072.2, subdivision (a), in that between March 24,  
8 2014, and March 27, 2014, she violated the following sections of the Health & Saf. Code with  
9 respect to the inspection of the vehicles listed above in paragraph 22:

10 a. **Section 44012:** Respondent Melikyan failed to ensure that the emission control tests  
11 were performed on the vehicles in accordance with procedures prescribed by the department.

12 b. **Section 44015, subdivision (b):** Respondent Melikyan issued electronic certificates  
13 of compliance without properly testing and inspecting the vehicles to determine if they were in  
14 compliance with section 44012 of the Health & Saf. Code.

15 c. **Section 44059:** Respondent Melikyan willfully made false entries for the electronic  
16 certificates of compliance by certifying that the vehicles had been inspected as required when, in  
17 fact, they had not.

18 Complainant refers to, and by this reference incorporates, the allegations contained in  
19 paragraph 22, as though set forth fully herein.

20 **FIFTH CAUSE FOR DISCIPLINE**

21 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

22 27. Respondent Melikyan has subjected her Smog Check Test Only Station License to  
23 discipline under Health & Saf. Code section 44072.2, subdivision (c), in that between March 24,  
24 2014, and March 27, 2014, she violated the following sections of title 16 of the CCR with respect  
25 to the inspection of the vehicles listed above in paragraph 22:

26 a. **Section 3340.24, subdivision (c):** Respondent Melikyan falsely or fraudulently  
27 issued electronic certificates of compliance without performing bona fide inspections of the  
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1 emission control devices and systems on the vehicles as required by Health & Saf. Code section  
2 44012.

3 b. **Section 3340.35, subdivision (c):** Respondent Melikyan issued electronic certificates  
4 of compliance even though the vehicles had not been inspected in accordance with section  
5 3340.42 of the Health & Saf. Code.

6 c. **Section 3340.42:** Respondent Melikyan failed to conduct the required smog tests and  
7 inspections on the vehicles in accordance with the Bureau's specifications.

8 Complainant refers to, and by this reference incorporates, the allegations contained in  
9 paragraph 22, as though set forth fully herein.

10 **SIXTH CAUSE FOR DISCIPLINE**

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

12 28. Respondent Melikyan has subjected her Smog Check Test Only Station License to  
13 discipline under Health & Saf. Code section 44072.2, subdivision (d), in that between March 24,  
14 2014, and March 27, 2014, she committed acts involving dishonesty, fraud or deceit whereby  
15 another was injured by issuing electronic certificates of compliance for the vehicles listed above  
16 in paragraph 22 without performing bona fide inspections of the emission control devices and  
17 systems on those vehicles, thereby depriving the People of the State of California of the  
18 protection afforded by the Motor Vehicle Inspection Program. Complainant refers to, and by this  
19 reference incorporates, the allegations contained in paragraph 22, as though set forth fully herein.

20 **EIGHTH CAUSE FOR DISCIPLINE**

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

22 29. Respondent Allahverdi has subjected his Smog Check Inspector License to discipline  
23 under Health & Saf. Code section 44072.2, subdivision (a), in that between March 24, 2014, and  
24 March 27, 2014, he violated the following sections of the Health & Saf. Code with respect to the  
25 inspection of the vehicles listed above in paragraph 22:

26 a. **Section 44012:** Respondent Allahverdi failed to ensure that the emission control tests  
27 were performed on the vehicles in accordance with procedures prescribed by the department.

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1 **TENTH CAUSE FOR DISCIPLINE**

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

3 31. Respondent Allahverdi has subjected his Smog Check Inspector License to discipline  
4 under Health & Saf. Code section 44072.2, subdivision (d), in that between March 24, 2014, and  
5 March 27, 2014, he committed acts involving dishonesty, fraud or deceit whereby another was  
6 injured by issuing electronic certificates of compliance for vehicles without performing bona fide  
7 inspections of the emission control devices and systems on those vehicles, thereby depriving the  
8 People of the State of California of the protection afforded by the Motor Vehicle Inspection  
9 Program. Complainant refers to, and by this reference incorporates, the allegations contained in  
10 paragraph 22, as though set forth fully herein.

11 **ELEVENTH CAUSE FOR DISCIPLINE**

12 **(Criminal Conviction)**

13 32. Respondent Allahverdi has subjected his Smog Check Inspector License to discipline  
14 under Health & Saf. Code section 44072.2, subdivision (b), in that on or about March 24, 2015, in  
15 the criminal matter entitled *The People of the State of California v. Anooshavan Allahverdi*  
16 (Super. Ct. Los Angeles, 2014, No. BA431460), Respondent entered a plea of guilty and was  
17 convicted of one count of violating Vehicle Code section 4463, subdivision (a)(1) [willfully  
18 forge/falsify smog check certificates with fraudulent intent], a felony. Respondent Allahverdi  
19 was sentenced to 3 years formal probation on terms and conditions, including 360 hours of  
20 community service. In addition, the Court ordered Respondent Allahverdi's smog inspection  
21 license forfeited, ordered the seized smog equipment be forfeited, and ordered him not to engage  
22 in any "activity that requires a smog inspection or smog repair license from the CA Bureau of  
23 Automotive Repair during probation." The circumstances surrounding the conviction are set  
24 forth in paragraph 22, above, and are incorporated by this reference as though set forth fully  
25 herein.

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1 **OTHER MATTERS**

2 33. Pursuant Bus. & Prof. Code section 9884.7, subdivision (c), the director may suspend,  
3 revoke, or place on probation the registrations for all places of business operated in this state by  
4 Respondent Melikyan upon a finding that s he has, or is, engaged in a course of repeated and  
5 willful violations of the laws and regulations pertaining to an automotive repair dealer.

6 34. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Test Only Station  
7 License Number TC 242907, issued to Respondent Melikyan, is revoked or suspended, any  
8 additional license issued under this chapter in the name of said licensee may be likewise revoked  
9 or suspended by the director.

10 35. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Inspector License  
11 Number EO 147917, issued to Respondent Allahverdi, is revoked or suspended, any additional  
12 license issued under this chapter in the name of said licensee may be likewise revoked or  
13 suspended by the director.

14 **PRAYER**

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

17 1. Revoking or suspending Automotive Repair Dealer Registration Number  
18 ARD 242907, issued to Blue Smog Center Test Only; Anna Melikyan, owner;

19 2. Revoking or suspending any other automotive repair dealer registration issued to  
20 Anna Melikyan;

21 3. Revoking or suspending Smog Check Test Only Station License Number  
22 TC 242907, issued to Blue Smog Center Test Only; Anna Melikyan, owner;

23 4. Revoking or suspending any additional license issued under Chapter 5 of the Health  
24 & Saf. Code in the name of Anna Melikyan;

25 5. Revoking or suspending Smog Check Inspector License Number EO 147917 issued  
26 to Anooshavan Allahverdi;

27 6. Revoking or suspending any additional license issued under Chapter 5 of the Health  
28 & Saf. Code in the name of Anooshavan Allahverdi;

1           7.    Ordering Anna Melikyan, owner of Blue Smog Center Test Only, and Anooshavan  
2 Allahverdi to pay the Bureau of Automotive Repair the reasonable costs of the investigation and  
3 enforcement of this case, pursuant to Bus. & Prof. Code section 125.3; and

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

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DATED: October 1, 2015      *Patrick Dorais*

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

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