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

12 In the Matter of the Accusation Against:

Case No. 79/09-40

13 QUICK SMOG  
14 GREG ASLANYAN, OWNER  
27266 Camp Plenty Road, #B  
Canyon Country, CA 91351

**A C C U S A T I O N**  
**S M O G C H E C K**

15 Automotive Repair Dealer Reg. No. ARD 244914  
16 Smog Check, Test Only, Station License  
No. TC 244914

17 Respondent.  
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19 Complainant alleges:

20 **PARTIES**

21 1. Sherry Mehl ("Complainant") brings this Accusation solely in her official  
22 capacity as the Chief of the Bureau of Automotive Repair ("Bureau"), Department of Consumer  
23 Affairs.

24 **Automotive Repair Dealer Registration No. ARD 244914**

25 2. On or about October 3, 2006, the Director of Consumer Affairs  
26 ("Director") issued Automotive Repair Dealer Registration Number ARD 244914 to Greg  
27 Aslanyan ("Respondent"), owner of Quick Smog. Respondent's automotive repair dealer

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1 registration was in full force and effect at all times relevant to the charges brought herein and will  
2 expire on April 30, 2009, unless renewed.

3 **Smog Check, Test Only, Station License No. TC 244914**

4 3. On or about October 12, 2006, the Director issued Smog Check, Test  
5 Only, Station License Number TC 244914 to Respondent. Respondent's smog check station  
6 license was in full force and effect at all times relevant to the charges brought herein and will  
7 expire on April 30, 2009, unless renewed.

8 **JURISDICTION**

9 4. Business and Professions Code ("Bus. & Prof. Code") section 9884.7  
10 provides that the Director may invalidate an automotive repair dealer registration.

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

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

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

22 **STATUTORY PROVISIONS**

23 8. Bus. & Prof. Code section 9884.7 states, in pertinent part:

24 (a) The director, where the automotive repair dealer cannot show there  
25 was a bona fide error, may refuse to validate, or may invalidate temporarily or  
26 permanently, the registration of an automotive repair dealer for any of the  
27 following acts or omissions related to the conduct of the business of the  
28 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.

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

5 (4) Any other conduct which constitutes fraud.

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

8 (c) Notwithstanding subdivision (b), the director may refuse to  
9 validate, or may invalidate temporarily or permanently, the registration  
10 for all places of business operated in this state by an automotive repair  
11 dealer upon a finding that the automotive repair dealer has, or is, engaged  
12 in a course of repeated and willful violations of this chapter, or regulations  
13 adopted pursuant to it.

14 9. Bus. & Prof. Code section 477 provides, in pertinent part, that "Board"  
15 includes "bureau," "commission," "committee," "department," "division," "examining  
16 committee," "program," and "agency." "License" includes certificate, registration or other  
17 means to engage in a business or profession regulated by the Bus. & Prof. Code.

18 10. Health & Saf. 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,  
21 officer, or 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 (c) Violates any of the regulations adopted by the director pursuant to  
26 this chapter.

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

11. Health & Saf. 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 licensee may be likewise revoked or suspended by the director.

1 Cost Recovery

2 12. Bus. & Prof. Code section 125.3 provides, in pertinent part, that a Board  
3 may request the administrative law judge to direct a licentiate found to have committed a  
4 violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the  
5 investigation and enforcement of the case.

6 UNDERCOVER OPERATION: 2000 CHRYSLER CIRRUS

7 13. On June 19, 2008, an undercover operator with the Bureau, using the alias  
8 "Brian Reyes" (hereinafter "operator"), took the Bureau's 2000 Chrysler Cirrus to Respondent's  
9 facility and requested a smog inspection. The positive crankcase ventilation ("PCV") system was  
10 removed from the Bureau-documented vehicle. The operator signed and received a copy of a  
11 work order/estimate for the inspection. After the inspection was completed, the operator paid the  
12 facility \$40 and was given copies of Invoice #10746 and a vehicle inspection report. That same  
13 day, electronic smog Certificate of Compliance #VR344020C was issued for the vehicle.

14 FIRST CAUSE FOR DISCIPLINE

15 (Untrue or Misleading Statements)

16 14. Respondent's automotive repair dealer registration is subject to  
17 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(1), in that  
18 Respondent made or authorized a statement which he knew or in the exercise of reasonable care  
19 should have known to be untrue or misleading, as follows: Respondent certified under penalty of  
20 perjury on the vehicle inspection report that the Bureau's 2000 Chrysler Cirrus passed the  
21 inspection and was in compliance with applicable laws and regulations. In fact, the PCV system  
22 was missing and as such, the vehicle would not pass the inspection required by Health & Saf.  
23 Code section 44012.

24 SECOND CAUSE FOR DISCIPLINE

25 (Fraud)

26 15. Respondent's automotive repair dealer registration is subject to  
27 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(4), in that  
28 Respondent committed an act which constitutes fraud. Respondent issued an electronic smog

1 certificate of compliance for the Bureau's 2000 Chrysler Cirrus without performing a bona fide  
2 inspection of the emission control devices and systems on the vehicle, thereby depriving the  
3 People of the State of California of the protection afforded by the Motor Vehicle Inspection  
4 Program.

5 **THIRD CAUSE FOR DISCIPLINE**

6 **(Violations of Regulations)**

7 16. Respondent's automotive repair dealer registration is subject to  
8 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(6), in that  
9 Respondent failed to comply with California Code of Regulations, title 16, section 3356,  
10 subdivision (a), in a material respect as follows: Respondent failed to show on Invoice  
11 #10746 his correct business name as registered with the Bureau in that Respondent showed his  
12 business name as Quick Smog Test Only Center.

13 **FOURTH CAUSE FOR DISCIPLINE**

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

15 17. Respondent's smog check station license is subject to disciplinary action  
16 pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that Respondent failed to  
17 comply with the following sections of that Code:

- 18 a. **Section 44012:** Respondent failed to perform the emission control tests  
19 on the Bureau's 2000 Chrysler Cirrus in accordance with procedures  
20 prescribed by the department.
- 21 b. **Section 44015:** Respondent issued an electronic smog certificate of  
22 compliance for the Bureau's 2000 Chrysler Cirrus without properly testing  
23 and inspecting the vehicle to determine if it was in compliance with  
24 Health & Saf. Code section 44012.

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1 FIFTH CAUSE FOR DISCIPLINE

2 (Failure to Comply with Regulations Pursuant  
3 to the Motor Vehicle Inspection Program)

4 18. Respondent's smog check station license is subject to disciplinary action  
5 pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that Respondent failed to  
6 comply with the following sections of California Code of Regulations, title 16:

7 a. Section 3340.24, subdivision (c): Respondent falsely or fraudulently  
8 issued an electronic smog certificate of compliance for the Bureau's  
9 2000 Chrysler Cirrus.

10 b. Section 3340.35, subdivision (c): Respondent issued an electronic smog  
11 certificate of compliance for the Bureau's 2000 Chrysler Cirrus even  
12 though the vehicle had not been inspected in accordance with section  
13 3340.42.

14 c. Section 3340.42: Respondent failed to conduct the required smog tests on  
15 the Bureau's 2000 Chrysler Cirrus in accordance with the Bureau's  
16 specifications.

17 SIXTH CAUSE FOR DISCIPLINE

18 (Dishonesty, Fraud or Deceit)

19 19. Respondent's smog check station license is subject to disciplinary action  
20 pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent committed a  
21 dishonest, fraudulent, or deceitful act whereby another is injured. Respondent issued an  
22 electronic smog certificate of compliance for the Bureau's 2000 Chrysler Cirrus without  
23 performing a bona fide inspection of the emission control devices and systems on the vehicle,  
24 thereby depriving the People of the State of California of the protection afforded by the Motor  
25 Vehicle Inspection Program.

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DISCIPLINE CONSIDERATIONS

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2           20.     To determine the degree of discipline, if any, to be imposed on  
3 Respondent, Complainant alleges as follows:

4           a.     On or about September 21, 2007, the Bureau issued Citation No.  
5 C08-0255 against Respondent for violations of Health & Saf. Code section 44012, subdivision  
6 (f) (failure to determine that emission control devices and systems required by State and Federal  
7 law are installed and functioning correctly in accordance with test procedures) and California  
8 Code of Regulations, title 16, section ("Regulation") 3340.35, subdivision (c) (issuing a  
9 certificate of compliance to a vehicle that was improperly tested). Respondent had issued a  
10 certificate of compliance to a Bureau undercover vehicle with the ignition timing adjusted  
11 beyond manufacturer's specifications. The Bureau assessed civil penalties totaling \$500 against  
12 Respondent for the violations. Respondent complied with the citation on or about December 19,  
13 2007.

14           b.     On or about January 25, 2008, the Bureau issued Citation No. C08-0643  
15 against Respondent for violations of Health & Saf. Code section 44012, subdivision (f) (failure to  
16 determine that emission control devices and systems required by State and Federal law are  
17 installed and functioning correctly in accordance with test procedures) and Regulation 3340.35,  
18 subdivision (c) (issuing a certificate of compliance to a vehicle that was improperly tested).  
19 Respondent had issued a certificate of compliance to a Bureau undercover vehicle with the  
20 ignition timing adjusted beyond manufacturer's specifications. The Bureau assessed civil  
21 penalties totaling \$1,000 against Respondent for the violations. Respondent complied with the  
22 citation on or about March 27, 2008.

23           c.     On or about May 2, 2008, the Bureau issued Citation No. C08-0969  
24 against Respondent for violations of Health & Saf. Code section 44012, subdivision (f) (failure to  
25 perform a visual/functional check of emission control devices according to procedures prescribed  
26 by the department) and Regulation 3340.35, subdivision (c) (issuing a certificate of compliance  
27 to a vehicle that was improperly tested). Respondent had issued a certificate of compliance to a  
28 Bureau undercover vehicle with a missing air injection system. The Bureau assessed civil

1 penalties totaling \$2,000 against Respondent for the violations. Respondent complied with the  
2 citation on or about June 16, 2008.

3 OTHER MATTERS

4 21. Pursuant to Bus. & Prof. Code section 9884.7, subdivision (c), the  
5 Director may refuse to validate, or may invalidate temporarily or permanently, the registrations  
6 for all places of business operated in this state by Respondent Greg Aslanyan, owner of Quick  
7 Smog, upon a finding that said Respondent has, or is, engaged in a course of repeated and willful  
8 violations of the laws and regulations pertaining to an automotive repair dealer.

9 22. Pursuant to Health & Saf. Code section 44072.8, if Smog Check, Test  
10 Only, Station License Number TC 244914, issued to Respondent Greg Aslanyan, owner of Quick  
11 Smog, is revoked or suspended, any additional license issued under this chapter in the name of  
12 said licensee may be likewise revoked or suspended by the director.

13 PRAAYER

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

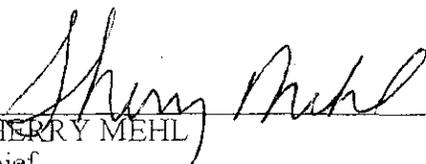
- 16 1. Temporarily or permanently invalidating Automotive Repair Dealer  
17 Registration Number ARD 244914, issued to Greg Aslanyan, owner of Quick Smog;
- 18 2. Temporarily or permanently invalidating any other automotive repair  
19 dealer registration issued to Greg Aslanyan;
- 20 3. Revoking or suspending Smog Check, Test Only, Station License Number  
21 TC 244914, issued to Greg Aslanyan, owner of Quick Smog;
- 22 4. Revoking or suspending any additional license issued under Chapter 5 of  
23 the Health and Safety Code in the name of Greg Aslanyan;
- 24 5. Ordering Respondent Greg Aslanyan, owner of Quick Smog, to pay the  
25 Director of Consumer Affairs the reasonable costs of the investigation and enforcement of this  
26 case, pursuant to Business and Professions Code section 125.3;

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6. Taking such other and further action as deemed necessary and proper.

DATED: 11-4-08

  
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SHERRY MEHL

Chief  
Bureau of Automotive Repair  
Department of Consumer Affairs  
State of California

Complainant