

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

In the Matter of the Accusation Against:

ACCURATE SMOG TEST ONLY
EDMOND EYSSAKHANIAN
4969 Van Nuys Blvd., B
Sherman Oaks, CA 91403

Automotive Repair Dealer Registration
No. ARD 248004
Smog Check, Test Only, Station License
No. TC 248004

and

EDMOND EYSSAKHANIAN
852 Highland Avenue
Duarte, CA 91010

Advanced Emission Specialist Technician
License No. EA 140949

Respondent.

Case No. 79/12-51

DECISION

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

This Decision shall become effective

4/2/12

DATED: February 24, 2012


DOREATHEA JOHNSON
Deputy Director, Legal Affairs
Department of Consumer Affairs

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 MICHELLE MCCARRON
Deputy Attorney General
4 State Bar No. 237031
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2544
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

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

10
11 In the Matter of the Accusation Against:

Case No. 79/12-51

12 **ACCURATE SMOG TEST ONLY;**
13 **EDMOND EYSSAKHANIAN**
4969 Van Nuys Blvd, B
14 Sherman Oaks, CA 91403
Automotive Repair Dealer Registration No.
15 **ARD 248004**
Smog Check, Test Only, Station License No.
16 **TC 248004,**

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

17 and

18 **EDMOND EYSSAKHANIAN**
852 Highland Avenue
19 Duarte, Ca 91010
Advanced Emission Specialist Technician
20 License No. EA 140949

21 Respondents.
22

23
24 In the interest of a prompt and speedy settlement of this matter, consistent with the public
25 interest and the responsibilities of the Director of Consumer Affairs and the Bureau of
26 Automotive Repair the parties hereby agree to the following Stipulated Settlement and
27 Disciplinary Order which will be submitted to the Director for his approval and adoption as the
28 final disposition of the Accusation.

1 PARTIES

2 1. Sherry Mehl (Complainant) is the Chief of the Bureau of Automotive Repair. She
3 brought this action solely in her official capacity and is represented in this matter by Kamala D.
4 Harris, Attorney General of the State of California, by Michelle McCarron, Deputy Attorney
5 General.

6 2. Respondents Accurate Smog Test Only; Edmond Eyssakhanian (Respondent) are
7 represented in this proceeding by attorney Naser J. Khoury, whose address is:

8 14427 Sylvan Street, Van Nuys, CA 91401-2649

9 3. In or around the year 2006, the Bureau of Automotive Repair issued Automotive
10 Repair Dealer Registration No. ARD 248004 to Accurate Smog Test Only; Edmond
11 Eyssakhanian (Respondent). The Automotive Repair Dealer Registration was in full force and
12 effect at all times relevant to the charges brought in Accusation No. 79/12-51 and will expire on
13 October 31, 2012, unless renewed.

14 4. In or around the year 2006, the Bureau of Automotive Repair issued Smog Check,
15 Test Only, Station License No. TC 248004 to Accurate Smog Test Only; Edmond Eyssakhanian
16 (Respondent). The Smog Check, Test Only, Station License was in full force and effect at all
17 times relevant to the charges brought in Accusation No. 79/12-51 and will expire on October 31,
18 2012, unless renewed.

19 5. In or around the year 1999, the Bureau of Automotive Repair issued Advanced
20 Emission Specialist Technician License No. EA 140949 to Edmond Eyssakhanian (Respondent).
21 The Technician License was in full force and effect at all times relevant to the charges brought in
22 Accusation No. 79/12-51 and will expire on April 30, 2012, unless renewed.

23 JURISDICTION

24 6. Accusation No. 79/12-51 was filed before the Director of Consumer Affairs
25 (Director), for the Bureau of Automotive Repair (Bureau), and is currently pending against
26 Respondent. The Accusation and all other statutorily required documents were properly served
27 on Respondent on December 14, 2011. Respondent timely filed his Notice of Defense contesting
28 the Accusation.

CONTINGENCY

1
2 14. This stipulation shall be subject to approval by the Director of Consumer Affairs or
3 his designee. Respondent understands and agrees that counsel for Complainant and the staff of
4 the Bureau of Automotive Repair may communicate directly with the Director and staff of the
5 Department of Consumer Affairs regarding this stipulation and settlement, without notice to or
6 participation by Respondent or his counsel. By signing the stipulation, Respondent understands
7 and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the
8 time the Director considers and acts upon it. If the Director fails to adopt this stipulation as the
9 Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or
10 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,
11 and the Director shall not be disqualified from further action by having considered this matter.

12 15. The parties understand and agree that facsimile copies of this Stipulated Settlement
13 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and
14 effect as the originals.

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

21 17. In consideration of the foregoing admissions and stipulations, the parties agree that
22 the Director may, without further notice or formal proceeding, issue and enter the following
23 Disciplinary Order:

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DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Automotive Repair Dealer Registration No. ARD 248004 and Smog Check, Test Only, Station License No. TC 248004 issued to Respondent Accurate Smog Test Only; Edmond Eyssakhanian are revoked.

IT IS HEREBY ORDERED that Advanced Emission Specialist Technician License No. EA 140949 issued to Respondent Edmond Eyssakhanian is revoked.

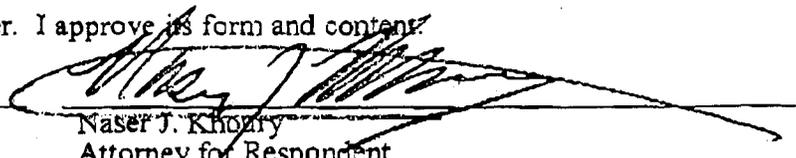
IT IS HEREBY ORDERED that should Respondent Edmond Eyssakhanian ever apply for a new license or registration with the Bureau, prior to the issuance of a new license or registration, Respondent must pay \$8,165.00, which reflect the costs in this matter.

ACCEPTANCE

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

DATED: 1-26-2012 
ACCURATE SMOG TEST ONLY; EDMOND EYSSAKHANIAN
Respondent

I have read and fully discussed with Respondent Accurate Smog Test Only; Edmond Eyssakhanian the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 1/26/12 
Naser J. Khoury
Attorney for Respondent

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ENDORSEMENT

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

Dated: *January 27, 2012*

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
MARC D. GREENBAUM
Supervising Deputy Attorney General



MICHELLE MCCARRON
Deputy Attorney General
Attorneys for Complainant

LA2011504654
Stipulation.rtf

Exhibit A

Accusation No. 79/12-51

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 MICHELLE MCCARRON
Deputy Attorney General
4 State Bar No. 237031
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2544
6 Facsimile: (213) 897-2804
Attorneys for Complainant
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8 **BEFORE THE**
DEPARTMENT OF CONSUMER AFFAIRS
9 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 79/12-51

12 **ACCURATE SMOG TEST ONLY;**
13 **EDMOND EYSSAKHANIAN, Owner**
14 **4969 Van Nuys Blvd., B**
Sherman Oaks, Ca 91403
15 **Automotive Repair Dealer Registration No.**
ARD 248004
16 **Smog Check Test Only Station License**
No. TC 248004

ACCUSATION

17 and

18 **EDMOND EYSSAKHANIAN**
852 Highland Avenue
19 **Duarte, Ca 91010**
Advanced Emission Specialist Technician
20 **License No. 140949**

21 Respondents.
22

23 Complainant alleges:

24 **PARTIES**

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

27 2. In or around the year 2006, the Bureau of Automotive Repair issued Automotive
28 Repair Dealer Registration Number ARD 248004 to Accurate Smog Test Only; Edmond

1 Eyssakhanian (Respondent). The Automotive Repair Dealer Registration was in full force and
2 effect at all times relevant to the charges brought herein and will expire on October 31, 2012,
3 unless renewed.

4 3. In or around the year 2006, the Bureau of Automotive Repair issued Smog Check,
5 Test Only, Station License Number TC 248004 to Accurate Smog Test Only; Edmond
6 Eyssakhanian (Respondent). The Smog Check, Test Only, Station License was in full force and
7 effect at all times relevant to the charges brought herein and will expire on October 31, 2012,
8 unless renewed.

9 4. In or around the year 1999, the Bureau issued Advanced Emission Specialist
10 Technician License Number EA 140949 to Edmond Eyssakhanian ("Respondent Eyssakhanian").
11 The technician license was in full force and effect at all times relevant to the charges brought
12 herein and will expire on April 30, 2012, unless renewed.

13 JURISDICTION

14 5. This Accusation is brought before the Director of Consumer Affairs (Director) for the
15 Bureau of Automotive Repair, under the authority of the following laws.

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

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

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

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

1 13. Health & Saf. Code section 44072.10 states, in pertinent part:

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3 (c) The department shall revoke the license of any smog check technician
4 or station licensee who fraudulently certifies vehicles or participates in the fraudulent
5 inspection of vehicles. A fraudulent inspection includes, but is not limited to, all of
6 the following:

7 (1) Clean piping, as defined by the department . . .

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

11 **COST RECOVERY**

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

16 **VIDEO SURVEILLANCE OPERATION OF JULY 24, 2011**

17 16. On or about July 24, 2011, the BAR performed a video-taped surveillance at
18 Respondent Accurate Smog's facility. The surveillance operation and information obtained from
19 the BAR's Vehicle Information Database ("VID")¹ revealed that between 1213 hours and 1511
20 hours, Respondent Eyssakhanian performed six (6) smog inspections that resulted in the issuance
21 of four (4) electronic certificates of compliance for the vehicles set forth in Table 1, below,
22 certifying that they had tested and inspected those vehicles and that the vehicles were in
23 compliance with applicable laws and regulations. In fact, Respondent Eyssakhanian performed
24 the smog inspections using the clean piping method by utilizing the tail pipe emissions of vehicles
25 other than the vehicles being certified in order to issue the electronic certificates of compliance.
26 The vehicles certified were not in the test bay at the time of the smog inspections.

27 ¹ The VID information reveals a variety of information concerning each test conducted at
28 Accurate Smog, including the advanced emission specialist technician license number of the
technician who conducted the test, date of the test, start and end times of the test, etc.

Table 1

Date and Test Times	Vehicle in EIS DATA (License or VIN)	Vehicle Actually Tested (License or VIN)	Certificate Issued	Details
3 07/24/2011 1213 hours to 1220 hours	1997 Mercedes SL320 (no license plate)	1999 Mercedes CLK430 (4DNM449)	OE805454C	The 1999 Mercedes CLK430 was in the test bay and was used to certify a 1997 Mercedes SL320.
5 07/24/2011 1259 hours to 1304 hours	2002 Chrysler Sebring (no license plate)	2001 Ford Explorer (4UBR254)	OE805456C	The 2001 Ford Explorer was used to certify a 2002 Chrysler Sebring.
7 07/24/2011 1335 hours to 1357 hours	2003 Hummer H2 (no license plate)	2001 Nissan Pathfinder (4PRX767)	OE805458C	The 2001 Nissan Pathfinder was used to certify a 2003 Hummer H2.
11 07/24/2011 1459 hours to 1502 hours	2004 Mercedes C230 (no license plate)	2005 Audi A4 (5RFP428)	OE805461C	The 2005 Audi A4 was used to certify a 2004 Mercedes C230.
12 07/24/2011 1506 hours to 1508 hours	2004 Volkswagen Passat (no license plate)	2005 Audi A4 (5RFP428)	None	The 2005 Audi A4 was used to perform an aborted test for a 2004 Volkswagen Passat.
13 07/24/2011 1510 hours to 1511 hours	2004 Volkswagen Passat (no license plate)	2005 Audi A4 (5RFP428)	None	The 2005 Audi A4 was used to perform an aborted test for a 2004 Volkswagen Passat.

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1 **FIFTH CAUSE FOR DISCIPLINE**

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

3 21. Respondent's smog check station license and technician license are subject to
4 disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that,
5 Respondent committed dishonest, fraudulent or deceitful acts whereby another is injured by
6 issuing electronic smog certificates of compliance for vehicles (3, 5, 7, 11-13), identified in
7 paragraph 16 above, without performing bona fide inspections of the emission control devices
8 and systems on each of the vehicles, thereby depriving the People of the State of California of the
9 protection afforded by the Motor Vehicle Inspection Program.

10 **OTHER MATTERS**

11 22. Pursuant to Bus. & Prof. Code section 9884.7, subdivision (c), the Director may
12 refuse to validate, or may invalidate temporarily or permanently, the registrations for all places of
13 business operated in this state by Respondent Eyssakhanian, owner of Accurate Smog Test Only,
14 upon a finding that said Respondent has, or is, engaged in a course of repeated and willful
15 violations of the laws and regulations pertaining to an automotive repair dealer.

16 23. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Test Only Station
17 License Number TC 248004 issued to Respondent Eyssakhanian, owner of Accurate Smog Test
18 Only, is revoked or suspended, any additional license issued under this chapter in the name of
19 said licensee may be likewise revoked or suspended by the Director.

20 24. Pursuant to Health & Saf. Code section 44072.8, if Advanced Emission Specialist
21 Technician License Number EA 140949 issued to Edmond Eyssakhanian, is revoked or
22 suspended, any additional license issued under this chapter in the name of said licensee may be
23 likewise revoked or suspended by the Director.

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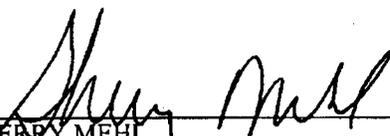
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PRAYER

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 Number ARD 248004, issued to Accurate Smog Test Only; Edmond Eyssakhanian;
2. Revoking or suspending Smog Check, Test Only, Station License Number TC 248004, issued to Accurate Smog Test Only; Edmond Eyssakhanian;
3. Revoking or suspending Advanced Emission Specialist Technician License Number EA 140949, issued to Edmond Eyssakhanian;
3. Ordering Edmond Eyssakhanian to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and
4. Taking such other and further action as deemed necessary and proper.

DATED: 12-13-11


SHERRY MEHL
Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant

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