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

In the Matter of the Accusation and Petition to Revoke  
Probation Against:

Case Number: 79/22-3185

**CHEVREM CORPORATION  
DBA EL CERRITO TEST ONLY CENTER  
Fatih Tekin, President  
10439 San Pablo Ave. Unit A  
El Cerrito, CA 94530**

**ACCUSATION AND PETITION  
TO REVOKE PROBATION**

**Mailing Address  
PO Box 3587  
Oakland, CA 94601**

**Automotive Repair Dealer No. ARD258902  
Smog Check Station License No. TC258902**

Respondent.

Complainant alleges:

**PARTIES**

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

2. On or about July 28, 2009, the Bureau issued Automotive Repair Dealer Registration No. ARD 258902 to Chevrem Corporation (Respondent Chevrem) dba El Cerrito Test Only Center. Fatih Tekin is president of Respondent Chevrem. The Automotive Repair Dealer Registration will expire on March 31, 2023, unless renewed.

3. On or about August 6, 2009, the Bureau issued Smog Check, Test Only, Station License No. TC 258902 to Respondent Chevrem. The Smog Check, Test Only, Station License will expire on March 31, 2023, unless renewed.

4. In disciplinary actions titled "In the Matter of the Accusations Against Chevrem Corporation, et al., Case Nos. 79/17-1195, 79/17-1998, 79/17-1999, 79/17-1202, 79/17-1224, 79/17-1226, and 79/17-1229, the Department of Consumer Affairs issued an Order effective April 21, 2021, in which Respondent Chevrem's Automotive Repair Dealership Registrations and Smog Check Station Licenses were revoked. However, the revocations were stayed and Respondent Chevrem's Automotive Repair Dealership Registrations and Smog Check Station Licenses were placed on probation for five (5) years with certain terms and conditions. A copy of that Decision and Order is attached as Exhibit A and is incorporated by reference.

## JURISDICTION FOR ACCUSATION

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

## STATUTORY AND REGULATORY PROVISIONS FOR ACCUSATION

6. Section **9884.7** of the Business and Professions Code (“Code”) states, in pertinent part:

(a) The director, where the automotive repair dealer cannot show there was a bona fide error, may deny, suspend, revoke, or place on probation the registration of an automotive repair dealer for any of the following acts or omissions related to the 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.

(1) Making or authorizing in any manner or by any means whatever any 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.

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(3) Failing or refusing to give to a customer a copy of any document requiring the customer's signature as soon as the customer signs the document.

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(4) Any other conduct that constitutes fraud.

...

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

...

(c) Notwithstanding subdivision (b), the director may suspend, revoke, or place on probation the registration for all places of business operated in this state by an 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.

...

(e) For purposes of this section, “fraud” includes, but is not limited to, violations of this chapter involving misrepresentations and all of the following:

(1) Any act or omission that is included within the definition of either “actual fraud” or “constructive fraud,” as those terms are defined in Sections 1572 and 1573 of the Civil Code.

(2) A misrepresentation in any manner, whether intentionally false or due to gross negligence, of a material fact.

(3) A promise or representation not made honestly and in good faith.

(4) An intentional failure to disclose a material fact.

(5) Any act in violation of Section 484 of the Penal Code.

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

8. Section **44002** of the Health and Safety Code provides, in pertinent part, that the Director has all the powers and authority granted under the Automotive Repair Act for enforcing the Motor Vehicle Inspection Program.

9. Section **44012** of the Health and Safety Code requires that tests at smog check stations be performed in accordance with procedures prescribed by the department.

10. Section **44059** of the Health and Safety Code states, in pertinent part:

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

11. Section **44072.2** of the Health and Safety Code states, in pertinent part:

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

(a) Violates any section of this chapter and the regulations adopted pursuant to it, which related to the licensed activities.

• • •

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

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

...

(h) Violates or attempts to violate the provisions of this chapter relating to the particular activity for which he or she is licensed.

12. Section **44072.6** of the Health and Safety Code provides, in pertinent part, that the expiration or suspension of a license by operation of law, or by order or decision of the Director of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive the Director of jurisdiction to proceed with disciplinary action.

13. Section **44072.8** of the Health and Safety Code states:

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.

14. Section **44072.10** of the Health and Safety Code states:

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

4 “(1) Clean piping, as defined by the department.”

5 ...

6 “(4) Intentional or willful violation of this chapter or any regulation, standard, or procedure  
7 of the department implementing this chapter.”

8 15. California Code of Regulations, title 16, section **3340.24**, states:

9 “... (c) The bureau may suspend or revoke the license of or pursue other legal action  
10 against a licensee, if the licensee falsely or fraudulently issues or obtains a certificate of  
11 compliance or a certificate of noncompliance. . .”

12 16. California Code of Regulations, title 16, section **3340.30**, states, in pertinent part:

13 A licensed smog check inspector and/or repair technician shall comply with the following  
14 requirements at all times while licensed:

15 (a) Inspect, test and repair vehicles, as applicable, in accordance with section 44012 of the  
16 Health and Safety Code, section 44035 of the Health and Safety Code, and section 3340.42 of this  
17 article.

18 ...

19 17. California Code of Regulations, title 16, section **3340.41(c)**, states:

20 “No person shall enter into the BAR-97 Emissions Inspection System or the OBD  
21 Inspection System any vehicle identification information or emission control system  
22 identification data for any vehicle other than the one being tested. Nor shall any person  
23 knowingly enter into the BAR-97 Emissions Inspection System or the OBD Inspection System  
24 any false information about the vehicle being tested.”

25 18. California Code of Regulations, title 16, section **3340.42**, states:

26 “Smog check inspection methods are prescribed in the Smog Check Manual, referenced by  
27 section 3340.45.

1 “(a) All vehicles subject to a smog check inspection, shall receive one of the following test  
2 methods:

3 . . .

4 “(3) An OBD-focused test, shall be the test method used to inspect gasoline-powered  
5 vehicles 2000 model-year and newer, and diesel-powered vehicles 1998 model-year and newer.  
6 The OBD test failure criteria are specified in section 3340.42.2.”

7 19. California Code of Regulations, title 16, section **3340.45**, states:

8 “(a) All Smog Check inspections shall be performed in accordance with requirements and  
9 procedures prescribed in the following:

10 (1) Smog Check Manual, dated 2013, which is hereby incorporated by reference. This  
11 manual became effective on or after January 1, 2013. This manual shall remain in effect until  
12 subparagraph (2) is implemented.

13 “(2) Smog Check Manual, dated November 2, 2017, which is hereby incorporated by  
14 reference. This manual shall become effective on August 2, 2018.”

### 15 **COSTS FOR ACCUSATION**

16 20. Section 125.3 of the Code provides, in pertinent part, that a Board (including the  
17 Bureau of Automotive Repair) may request the administrative law judge to direct a licentiate  
18 found to have committed a violation or violations of the licensing act to pay a sum not to exceed  
19 the reasonable costs of the investigation and enforcement of the case, with failure of the licentiate  
20 to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of  
21 investigation and enforcement costs may be included in a stipulated settlement.

### 22 **FACTUAL BACKGROUND**

23 21. In 2022, a Bureau Representative prepared a 2008 Chrysler (Chrysler) to fail a smog  
24 inspection due to a non-compliant add-on aftermarket performance chip. The add-on aftermarket  
25 performance chip did not have a required Executive Order number from the California Air  
26 Resources Board. In this condition the Chrysler would not pass a properly performed smog  
27 inspection. The Chrysler would fail the visual portion of the smog inspection.  
28

22. On or about March 1, 2022, an undercover operation was performed at Respondent Chevrem's smog station El Cerrito Test Only Center to confirm compliance with the Smog Check Program. An operator drove the Chrysler to El Cerrito Test Only Center and requested a smog inspection.

23. Respondent Chevrem's employee personally performed the Smog Inspection on the Chrysler, which "passed" the smog inspection. The operator was given copies of an invoice and a Vehicle Inspection Report (VIR). Respondent Chevrem issued Smog Certificate of Compliance #IP323006C for the Dodge. Respondent entered "Pass" into the OIS for the Visual Inspection category "Computers, Sensors, Switches, and Wiring" when in fact the vehicle should have failed. Respondent entered "Pass" into the OIS for the Visual Inspection category "Other Emission Related Components/Systems" when in fact the vehicle should have failed. Respondent Chevrem caused a certificate of compliance to be issued for the Chrysler. The VIR falsely stated that the smog inspection was performed in accordance with all bureau requirements.

#### **FIRST CAUSE FOR DISCIPLINE**

##### **(False or misleading Statements- Registration)**

24. Respondent Chevrem has subjected its Registration to disciplinary action under section 9884.7, subdivision(a)(1), in that Respondents made false or misleading statements that they knew or should have known were false or misleading as follows:

a. Respondent Chevrem transmitted information to the Vehicle Information Database stating the Chrysler passed the "Computers, Sensors, Switches, and Wiring" visual inspection.

b. Respondent Chevrem transmitted information to the Vehicle Information Database stating the Chrysler passed the "Other Emission Related Components/Systems" visual inspection.

c. Respondent Chevrem created a VIR stating the Chrysler passed the "Computers, Sensors, Switches, and Wiring" visual inspection.

d. Respondent Chevrem created a VIR stating the Chrysler passed the "Other Emission Related Components/Systems" visual inspection.

e. The VIR stated that smog inspection was performed in accordance with all bureau requirements.

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Violation of Laws and Regulations-Registration)**

3 25. Respondent Chevrem has subjected its Registration to disciplinary action under  
4 section 9884.7, subdivision (a)(6), in that Respondent Chevrem violated the following laws and  
5 regulations during the undercover run:

6 a. Respondent violated California Code of Regulations, Title 16, section 3340.24,  
7 subdivision (c), in that Respondent falsely issued a certificate of compliance to a vehicle.

8 b. Respondent violated California Code of Regulations, Title 16, section 3340.35,  
9 subdivision (c), in that Respondent issued a certificate of compliance to a vehicle that did not  
10 have all the required emission control equipment and devices installed and functioning correctly.

11 c. Respondent violated California Code of Regulations, Title 16, section 3340.42,  
12 subdivision (b) in that Respondent failed to provide a proper visual inspection.

13 d. Respondent violated California Code of Regulations, Title 16, section 3340.42, in  
14 conjunction with California Code of Regulations, Title 16, section 3340.45, subdivision (b), in  
15 that Respondent failed to provide a proper visual inspection as prescribed in the Smog Check  
16 Manual.

17 e. Respondent violated California Code of Regulations, Title 16, section 3371, in that  
18 Respondent made untrue or misleading statements as described in paragraphs 21-24, above.

19 f. Respondent violated California Code of Regulations, Title 16, section 3373, in that  
20 Respondent made untrue or misleading statements on a VIR as described in paragraphs 23 and  
21 24, above

22 **THIRD CAUSE FOR DISCIPLINE**

23 **(Dishonesty or Deceit)**

24 26. Respondent Chevrem has subjected its Smog Station license to disciplinary action  
25 under Health and Safety Code section 44072.2, subdivision (d), in that Respondent committed  
26 acts involving dishonesty or deceit whereby another was injured. The circumstances are  
27 described in paragraphs 21-24, above.

28 ///



1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Violation of Laws and Regulations)**

3 27. Respondent Chevrem has subjected its Smog Station license to disciplinary action  
4 under Health and Safety Code section 44072.2, subdivision(s) (a), (c) and/or (g), in that  
5 Respondent violated the following laws and regulations during the undercover run described in  
6 the factual allegations:

7 a. Respondent violated Health and Safety code section 44012, subdivision (f), in that  
8 Respondent failed to perform a smog check according to the procedures prescribed by the  
9 department. Respondent failed to perform a proper visual inspection.

10 b. Respondent violated Health and Safety code section 44015, subdivision (a)(1), in that  
11 Respondent issued a certificate of compliance to a vehicle that had been tampered with.

12 c. Respondent violated California Code of Regulations, Title 16, section 3340.24,  
13 subdivision (c), in that Respondent falsely issued a certificate of compliance to a vehicle.

14 d. Respondent violated California Code of Regulations, Title 16, section 3340.35,  
15 subdivision (c), in that Respondent issued a certificate of compliance to a vehicle that did not  
16 have all the required emission control equipment and devices installed and functioning correctly.

17 e. Respondent violated California Code of Regulations, Title 16, section 3340.42,  
18 subdivision (b) in that Respondent failed to perform a proper visual inspection.

19 f. Respondent violated California Code of Regulations, Title 16, section 3340.42 in  
20 conjunction with California Code of Regulations, Title 16, section 3340.45, subdivision (b), in  
21 that Respondent failed to perform a proper visual inspection as prescribed in the Smog Check  
22 Manual.

23 **JURISDICTION FOR PETITION TO REVOKE PROBATION**

24 28. This Petition to Revoke Probation against Respondent Chevrem is brought before the  
25 Director of the Department of Consumer Affairs (Director) for the Bureau of Automotive Repair  
26 under Probation Term and Condition Number 9 of the Decision and Order In the Matter of the  
27 Accusations Against Chevrem Corporation, et al., Case Nos. 79/17-1195, 79/17-1998, 79/17-  
28 1999, 79/17-1202, 79/17-1224, 79/17-1226, and 79/17-1229. That term and condition states:

1 Violation of Probation. If Respondent violates or fails to comply with the terms and  
2 conditions of probation in any respect, the Director, after giving notice and  
3 opportunity to be heard may set aside the stay order and carry out the disciplinary  
order provided in the decision. Once Respondent is served notice of BAR's intent to  
set aside the stay, the Director shall maintain jurisdiction, and the period of probation  
shall be extended until final resolution of the matter.

#### 4 **FIRST CAUSE TO REVOKE PROBATION**

5 (Obey All Laws)

6 29. At all times after the effective date of Respondent Chevrem's probation, Condition  
7 One stated:

8 “Obey All Laws. During the period of probation, Respondent shall comply with all federal  
9 and state statutes, regulations and rules governing all BAR registrations and licenses held by  
10 Respondent”

11 30. Respondent Chevrem's probation is subject to revocation because it failed to comply  
12 with Probation Condition One, referenced above. Respondent violated state statutes, regulations  
13 and rules governing the BAR registrations and licenses held by Respondent Chevrem as described  
14 in the Causes for Discipline, above.

#### 15 **DISCIPLINE CONSIDERATIONS**

16 31. To determine the degree of discipline, if any, to be imposed on Respondent Chevrem,  
17 Complainant alleges that on or about June 27, 2003, in a prior action, an accusation was filed  
18 against Gurnur International Corporation and its President, Fatih Tekin, d.b.a. GIC Smog Station  
19 for causing the issuance of 13 fraudulent Smog Check Inspection Certificates of Compliance to  
20 be issued. The business name for GIC Smog Station was changed to Walnut Creek Star Smog and  
21 ownership of the facility is under Chevrem Corporation with Fatih Tekin as President. On  
22 December 6, 2004, the Department of Consumer Affairs adopted a decision in the matter of  
23 Accusation 79/04-00 which revoked GIC Smog Station’s Smog Check Station licenses and  
24 Automotive Repair Dealer registrations. However, the revocations were stayed and the stations  
25 were placed on three years’ probation.

26 32. To determine the degree of discipline, if any, to be imposed on Respondent Chevrem,  
27 Complainant alleges that on or about September 21, 2005, in a prior action, Chevrem Corporation  
28 and its President, Fatih Tekin, d.b.a. Clear Blue Test Only Smog Station applied for an

1 Automotive Repair Dealer Registration and a Smog Check Station License. The parties stipulated  
2 that Accusation 79/04-00 was deemed to constitute a Statement of Issues for the purpose of the  
3 denial of Respondent's application. The parties entered into a stipulation and agreement which  
4 was adopted as a decision and order only to the Statement of Issues against Fatih Tekin. On  
5 January 30, 2006, the Director of the Department of Consumer Affairs adopted a decision and  
6 order issuing an Automotive Repair Dealer Registration and a Smog Check Station License to  
7 Respondent and immediately revoking the licenses, with the revocations stayed, following the  
8 terms and conditions of probation as set forth in Accusation 79/04-00.

9 33. To determine the degree of discipline, if any, to be imposed on Respondent Chevrem,  
10 Complainant alleges that on or about September 15, 2008, in a prior action, an accusation was  
11 filed on Chevrem Corporation and its President, Fatih Tekin, d.b.a. Clear Blue Test Only Smog  
12 Station, Clear Blue Test Only Smog Station 2, Clear Blue Test Only Station 3, Test Only Smog  
13 Station II, and GIC Smog Station for causing the issuance of 13 fraudulent Smog Check  
14 Inspection Certificates of Compliance. On April 6, 2009, the Department of Consumer Affairs  
15 adopted a decision in the matter of Accusation 79/09-21 which revoked all Smog Check Station  
16 licenses and Automotive Repair Dealer registrations for each facility. However, the revocations  
17 were stayed and the stations were placed on five years' probation. In addition, each station was  
18 suspended anywhere from 5 to 45 days.

19 34. To determine the degree of discipline, if any, to be imposed on Respondent Chevrem,  
20 Complainant alleges that in 2021, in priors action titled "In the Matter of the Accusations Against  
21 Chevrem Corporation, et al., Case Nos. 79/17-1195, 79/17-1998, 79/17-1999, 79/17-1202, 79/17-  
22 1224, 79/17-1226, and 79/17-1229, the Department of Consumer Affairs issued an Order  
23 effective April 21, 2021, in which Respondent Chevrem's Automotive Repair Dealership  
24 Registrations and Smog Check Station Licenses were revoked. However, the revocations were  
25 stayed and Respondent Chevrem's Automotive Repair Dealership Registrations and Smog Check  
26 Station Licenses were placed on probation for five (5) years with certain terms and conditions.

27 35. To determine the degree of discipline, if any, to be imposed on Respondent Chevrem,  
28 Complainant alleges that in 2014, in a prior action, the Bureau issued Citation Number C2014-

1 1194 and ordered Respondent to pay a \$1,000.00 fine. The citation was based on Respondent's  
2 issuance of a certificate of compliance to a vehicle that did not qualify for such a certificate. That  
3 Citation is now final and is incorporated by reference as if fully set forth herein.

4 36. To determine the degree of discipline, if any, to be imposed on Respondent Chevrem,  
5 Complainant alleges on or about April 22, 2021, a Program Representative conducted a Probation  
6 Conference with Respondent Chevrem's station manager for El Cerrito Test Only Center. During  
7 the conference, Respondent Chevrem was advised the Bureau may send an undercover car to  
8 confirm compliance with the Automotive Repair Act. Respondent Chevrem was warned that  
9 failure to comply with the terms and conditions of probation, the Laws and Regulations contained  
10 within the Automotive Repair Act, and other applicable laws and regulations may result in  
11 disciplinary action.

#### 12 **OTHER MATTERS**

13 37. Pursuant to Code section 9884.7, subdivision (c), the Director may suspend, revoke,  
14 or place on probation the registration for all places of business operated in this state by  
15 Respondent Chevrem, upon a finding that Respondent Chevrem has, or is, engaged in a course of  
16 repeated and willful violations of the laws and regulations pertaining to an automotive repair  
17 dealer.

18 38. Pursuant to Health & Safety Code section 44072.8, if Station License No. TC258902,  
19 issued to Respondent Chevrem Corporation is revoked or suspended, any additional license  
20 issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of said  
21 licensee may be likewise revoked or suspended by the director.

#### 22 **PRAYER**

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

25 1. Revoking the probation that was granted by the Director in Case Nos. 79/17-1195,  
26 79/17-1998, 79/17-1999, 79/17-1202, 79/17-1224, 79/17-1226, and 79/17-1229 and imposing the  
27 disciplinary order that was stayed thereby revoking Automotive Repair Dealer No. ARD 258902  
28 issued to Chevrem Corporation;

1           2.     Revoking the probation that was granted by the Director in Case Nos. 79/17-1195,  
2     79/17-1998, 79/17-1999, 79/17-1202, 79/17-1224, 79/17-1226, and 79/17-1229 and imposing the  
3     disciplinary order that was stayed thereby revoking Smog Check Station License No. TC 258902  
4     issued to Chevrem Corporation;

5           3.     Revoking or suspending Automotive Repair Dealer No. ARD 258902 issued to  
6     Chevrem Corporation;

7           4.     Revoking or suspending Smog Check Station License No. TC 258902 issued to  
8     Chevrem Corporation;

9           5.     Revoking or suspending any additional Automotive Repair Dealer Registration  
10    and/or Smog Check Station License issued to Chevrem Corporation;

11          6.     Ordering Chevrem Corporation to pay the Bureau of Automotive Repair the  
12    reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
13    Professions Code section 125.3;

14          7.     Taking such other and further action as deemed necessary and proper.

15  
16    DATED: As of Digital Signature Date

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