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

12 In the Matter of the Accusation Against:

Case No. 79/25-17555

13 **NEW CROWN SMOG**
14 **NASRATULLAH AKBAR ZAMANI,**
PRESIDENT
15 **SEDIQA ZAMANI, TREASURER**
16 **ABDUL MATIN ZAMANI, SECRETARY**
1457 W 16th Street
Merced, CA 95340

ACCUSATION

17 **Automotive Repair Dealer Registration No.**
ARD 307299
18 **Smog Check, Test-Only, Station License No.**
TC 307299,

19 **and**

20 **NASRATULLAH AKBAR ZAMANI**
21 1457 W 16th Street
Merced, CA 95340

22 **Smog Check Inspector License No. EO 644203**

23 Respondents.
24

25 **PARTIES**

26
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 (c) Notwithstanding subdivision (b), the director may suspend, revoke or place
2 on probation the registration for all places of business operated in this state by an
3 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....

4 13. Code section 9889.22 states:

5 The willful making of any false statement or entry with regard to a material matter in
6 any oath, affidavit, certificate of compliance or noncompliance, or application form which
7 is required by this chapter or Chapter 5 (commencing with Section 44000) of Part 5 of
Division 26 of the Health and Safety Code constitutes perjury and is punishable as provided
in the Penal Code.

8 14. Health & Saf. Code section 44012, states, in pertinent part:

9 The test at the smog check stations shall be performed in accordance with
10 procedures prescribed by the department and may require loaded mode
11 dynamometer testing in enhanced areas, two-speed idle testing, testing utilizing a
12 vehicle's onboard diagnostic system, or other appropriate test procedures as
13 determined by the department in consultation with the state board. The department
14 shall implement testing using onboard diagnostic systems, in lieu of loaded mode
15 dynamometer or two-speed idle testing, on model year 2000 and newer vehicles
only, beginning no earlier than January 1, 2013. However, the department, in
consultation with the state board, may prescribe alternative test procedures that
include loaded mode dynamometer or two-speed idle testing for vehicles with
onboard diagnostic systems that the department and the state board determine
exhibit operational problems. The department shall ensure, as appropriate to the
test method, the following:

16 (a) Emission control systems required by state and federal law are reducing
17 excess emissions in accordance with the standards adopted pursuant to
subdivisions (a) and (c) of Section 44013.

18 ...

19 (f) A visual or functional check is made of emission control devices
20 specified by the department, including the catalytic converter in those instances in
which the findings of Section 44001. The visual or functional check shall be
performed in accordance with the procedures as prescribed by the department....

21 15. Health & Saf. Code section 44015, subdivision (b), provides that a certificate
22 of compliance shall be issued if a vehicle meets the requirements of the Health & Saf. Code
23 section 44012.

24 16. Health & Saf. Code section 44032 provides that qualified technicians shall perform
25 tests of emissions control devices and systems in accordance with Health & Saf. Code section
26 40012.

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17. Health & Saf. Code section 44059 states:

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.

18. Health & Saf. Code section 44072.2 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 [the Motor Vehicle Inspection Program (Health and Safety Code, § 44000, et seq.)] 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....

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

...

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

...

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

REGULATORY PROVISIONS

20. California Code of Regulations, title 16 (CCR), section 3340.30 states, in pertinent part:

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

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

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1 21. CCR section 3340.35, states, in pertinent part:

2 ...

3 (c) A licensed station shall issue a certificate of compliance or noncompliance
4 to the owner or operator of any vehicle that has been inspected in accordance with the
5 procedures specified in section 3340.42 of this article and has all the required
6 emission control equipment and devices installed and functioning correctly. The
7 following conditions shall apply....

8 22. CCR section 3340.41, states, in pertinent part:

9 ...

10 (c) No person shall enter into the emissions inspection system any vehicle
11 identification information or emission control system identification data for any
12 vehicle other than the one being tested. Nor shall any person knowingly enter into the
13 emissions inspection system any false information about the vehicle being tested....

14 23. CCR section 3340.42, states:

15 Smog check inspection methods are prescribed in the Smog Check Manual,
16 referenced by section 3340.45.

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

19 (1) A loaded-mode test shall be the test method used to inspect 1976 - 1999
20 model-year vehicle, except diesel-powered, registered in the enhanced program areas
21 of the state. The loaded-mode test shall measure hydrocarbon, carbon monoxide,
22 carbon dioxide and oxides of nitrogen emissions, as contained in the bureau's
23 specifications referenced in subsection (a) of Section 3340.17 of this article. The
24 loaded-mode test shall use Acceleration Simulation Mode (ASM) test equipment,
25 including a chassis dynamometer, certified by the bureau.

26 On and after March 31, 2010, exhaust emissions from a vehicle subject to this
27 inspection shall be measured and compared to the emissions standards shown in the
28 Vehicle Look-up Table (VLT) Row Specific Emissions Standards (Cutpoints) Table,
dated March 2010, which is hereby incorporated by reference. If the emissions
standards for a specific vehicle are not included in this table then the exhaust
emissions shall be compared to the emissions standards set forth in TABLE I or
TABLE II, as applicable. A vehicle passes the loaded-mode test if all of its measured
emissions are less than or equal to the applicable emission standards specified in the
applicable table.

(2) A two-speed idle mode test shall be the test method used to inspect 1976 -
1999 model-year vehicles, except diesel-powered, registered in all program areas of
the state, except in those areas of the state where the enhanced program has been
implemented. The two-speed idle mode test shall measure hydrocarbon, carbon
monoxide and carbon dioxide emissions at high RPM and again at idle RPM, as
contained in the bureau's specifications referenced in subsection (a) of Section
3340.17 of this article. Exhaust emissions from a vehicle subject to this inspection
shall be measured and compared to the emission standards set forth in this section and
as shown in TABLE III. A vehicle passes the two-speed idle mode test if all of its
measured emissions are less than or equal to the applicable emissions standards
specified in Table III.

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

5 (b) In addition to subsection (a), all vehicles subject to the smog check program
6 shall receive the following:

7 (1) A visual inspection of emission control components and systems to verify
8 the vehicle's emission control systems are properly installed.

9 (2) A functional inspection of emission control systems as specified in the
10 Smog Check Manual, referenced by section 3340.45, which may include an OBD
11 test, to verify their proper operation.

12 (c) The bureau may require any combination of the inspection methods in
13 sections (a) and (b) under any of the following circumstances:

14 (1) Vehicles that the department randomly selects pursuant to Health and Safety
15 Code section 44014.7 as a means of identifying potential operational problems with
16 vehicle OBD systems.

17 (2) Vehicles identified by the bureau as being operationally or physically
18 incompatible with inspection equipment.

19 (3) Vehicles with OBD systems that have demonstrated operational problems.

20 (d) Pursuant to section 39032.5 of the Health and Safety Code, gross polluter
21 standards are as follows:

22 (1) A gross polluter means a vehicle with excess hydrocarbon, carbon
23 monoxide, or oxides of nitrogen emissions pursuant to the gross polluter emissions
24 standards included in the tables described in subsection (a), as applicable.

25 (2) Vehicles with emission levels exceeding the emission standards for gross
26 polluters during an initial inspection will be considered gross polluters and the
27 provisions pertaining to gross polluting vehicles will apply, including, but not limited
28 to, sections 44014.5, 44015, and 44081 of the Health and Safety Code.

(3) A gross polluting vehicle shall not be passed or issued a certificate of
compliance until the vehicle's emissions are reduced to or below the applicable
emissions standards for the vehicle included in the tables described in subsection (a),
as applicable. However, the provisions described in section 44017 of the Health and
Safety Code may apply.

(4) This subsection applies in all program areas statewide to vehicles requiring
inspection pursuant to sections 44005 and 44011 of the Health and Safety Code.

24. CCR section 3373, states:

No automotive repair dealer or individual in charge shall, in filling out an
estimate, invoice, or work order, or record required to be maintained by section
3340.15(e) of this chapter, withhold therefrom or insert therein any statement or

1 information which will cause any such document to be false or misleading, or where
2 the tendency or effect thereby would be to mislead or deceive customers, prospective
customers, or the public.

3 **COST RECOVERY**

4 25. Code section 125.3 provides, in pertinent part, that the Bureau may request the
5 administrative law judge to direct a licentiate found to have committed a violation or violations of
6 the licensing act to pay a sum not to exceed the reasonable costs of investigation and enforcement
7 of the case, with failure of the licentiate to comply subjecting the license to not being renewed or
8 reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a
9 stipulated settlement.

10 **UPDATED SMOG CHECK PROGRAM – ON BOARD DIAGNOSTIC SYSTEM**

11 26. On or about March 9, 2015, California's Smog Check Program was updated to keep
12 pace with ever-advancing technology. The program update requires the use of an On-Board
13 Diagnostic Inspection System (BAR-OIS). BAR-OIS is the smog check equipment required in all
14 areas of the State when inspecting most model-year 2000 and newer gasoline and hybrid vehicles
15 and most 1998 and newer diesel vehicles. The system consists of a certified Data Acquisition
16 Device (DAD), computer, bar code scanner, and printer.

17 27. The DAD is an On-Board Diagnostic (OBD) scan tool that, when requested by the
18 California BAR-OIS software, retrieves OBD data from the vehicle. The DAD connects between
19 the BAR-OIS computer and the vehicle's diagnostic link connector. The bar code scanner is used
20 to input technician information, the vehicle identification number, and the Department of Motor
21 Vehicle (DMV) renewal information. The vehicle identification number (VIN) that is physically
22 present on all vehicles is required to be programmed into the vehicle's On-Board Diagnostics —
23 Generation II (OBD II) on 2005 and newer vehicles, and on many occasions was programmed
24 into the OBD II computer in earlier model-years. The electronically programmed VIN is referred
25 to as the “eVIN”, is captured by the Bureau during a smog check inspection and should match the
26 physical VIN on the vehicle. The printer is used to provide a vehicle inspection report, which
27 shows the inspection results and the Smog Check Certificate of Compliance Number for passing
28 vehicles. Data retrieved and recorded during an OIS smog check includes the eVIN, the

1 communication protocol¹, and the number of Parameter Identifications (PID)².

2 **REVIEW OF OIS TEST DATA**

3 28. Bureau representative E.L. reviewed BAR-OIS test data pertaining to smog
4 inspections conducted at Respondent New Crown’s facility. E.L. found that Respondent Zamani
5 had performed smog check inspections on ten vehicles identified below using a method known as
6 “clean plugging,”³ resulting in the issuance of fraudulent certificates of compliance for the
7 vehicles.

8 **Vehicle 1**

9 29. BAR-OIS test data showed that on March 27, 2025, Respondent Zamani performed a
10 smog check inspection on a 2009 Audi A4 2.0T Quattro (Vehicle 1), resulting in the issuance of
11 Certificate of Compliance No. JD840285C. The OIS test details for Vehicle 1 showed that the
12 eVIN recorded during the inspection did not match the physical VIN on Vehicle 1. The PID count
13 recorded during the inspection on Vehicle 1 was not consistent with the PID count for the make
14 and model of this vehicle by other smog check stations.

15 30. E.L. utilized the Bureau’s database and found that the eVIN transmitted during the
16 inspection of Vehicle 1 on March 27, 2025, matched a 2015 Toyota Scion. The communication
17 protocol and PID count transmitted to the Bureau’s database during the inspection of Vehicle 1
18 were consistent with the communication protocol and PID count for the 2015 Toyota Scion. E.L.
19 concluded that Respondent Zamani had used the 2015 Toyota Scion’s properly functioning OBD
20 II system during the smog inspection of Vehicle 1, resulting in the issuance of a fraudulent smog
21 certificate of compliance for Vehicle 1.

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23 _____
24 ¹ The OBD II communication protocol describes the specified communication “language” used by
25 the OBD II computer to communication to scan tools and other devices such as the BAR-OIS. The
26 communication protocol is programmed into the vehicle's on-board computer during manufacture and does
27 not change.

28 ² PIDs are data points reported by the vehicle's on-board computer to a scan tool or BAR-OIS,
such as engine speed, vehicle speed, engine temperature, etc. The PID count is the number of data points.

³ Clean plugging is the use of a vehicle’s properly functioning OBD II system, or another
source, to generate passing diagnostic readings for the purpose of issuing a fraudulent smog
certificate of compliance to another vehicle that is not in compliance with the Smog Check
Program and/or is not present for testing.

1 **Vehicle 2**

2 31. BAR-OIS test data showed that on April 9, 2025, Respondent Zamani performed a
3 smog check inspection on a 2012 Nissan Altima (Vehicle 2), resulting in the issuance of
4 Certificate of Compliance No. UM498451C. The OIS test details for Vehicle 2 showed that the
5 eVIN recorded during the inspection did not match the physical VIN on Vehicle 2.

6 32. E.L. utilized the Bureau’s database and found that the eVIN transmitted during the
7 inspection of Vehicle 2 on April 9, 2025, matched the 2015 Toyota Scion used in the clean plug
8 of Vehicle 1. The communication protocol and PID count transmitted to the Bureau’s database
9 during the inspection of Vehicle 2 were consistent with the communication protocol and PID
10 count for the 2015 Toyota Scion. E.L. concluded that Respondent Zamani had used the 2015
11 Toyota Scion’s properly functioning OBD II system during the smog inspection of Vehicle 2,
12 resulting in the issuance of a fraudulent smog certificate of compliance for Vehicle 2.

13 **Vehicle 3**

14 33. BAR-OIS test data showed that on April 17, 2025, Respondent Zamani performed a
15 smog check inspection on a 2005 Dodge Ram 1500 ST (Vehicle 3), resulting in the issuance of
16 Certificate of Compliance No. UM498489C. The OIS test details for Vehicle 3 showed that the
17 eVIN recorded during the inspection did not match the physical VIN on Vehicle 3. The
18 communication protocol recorded during the inspection did not match the expected
19 communication protocol for the make and model of this vehicle. The PID count recorded during
20 the inspection on Vehicle 3 was not consistent with the PID count for the make and model of this
21 vehicle by other smog check stations.

22 34. E.L. utilized the Bureau’s database and found that the eVIN transmitted during the
23 inspection of Vehicle 3 on April 17, 2025, matched a 2004 Ford F150. The communication
24 protocol and PID count transmitted to the Bureau’s database during the inspection of Vehicle 3
25 were consistent with the communication protocol and PID count for the 2004 Ford F150. E.L.
26 concluded that Respondent Zamani had used the 2004 Ford 150’s properly functioning OBD II
27 system during the smog inspection of Vehicle 3, resulting in the issuance of a fraudulent smog
28 certificate of compliance for Vehicle 3.

1 **Vehicle 4**

2 35. BAR-OIS test data showed that on April 18, 2025, Respondent Zamani performed a
3 smog check inspection on a 2015 Toyota Tacoma (Vehicle 4), resulting in the issuance of
4 Certificate of Compliance No. UM498497C. The OIS test details for Vehicle 4 showed that the
5 eVIN recorded during the inspection did not match the physical VIN on Vehicle 4. The PID count
6 recorded during the inspection on Vehicle 4 was not consistent with the PID count for the make
7 and model of this vehicle by other smog check stations.

8 36. E.L. utilized the Bureau’s database and found that the eVIN transmitted during the
9 inspection of Vehicle 4 on April 18, 2025, matched a 2023 Toyota Tacoma that was registered to
10 Respondent Zamani. The communication protocol and PID count transmitted to the Bureau’s
11 database during the inspection of Vehicle 4 were consistent with the communication protocol and
12 PID count for the 2023 Toyota Tacoma. E.L. concluded that Respondent Zamani had used the
13 2023 Toyota Tacoma’s properly functioning OBD II system during the smog inspection of
14 Vehicle 4, resulting in the issuance of a fraudulent smog certificate of compliance for Vehicle 4.

15 **Vehicle 5**

16 37. BAR-OIS test data showed that on May 13, 2025, Respondent Zamani performed a
17 smog check inspection on a 2007 BMW 328 (Vehicle 5), resulting in the issuance of Certificate
18 of Compliance No. UO464670C. The OIS test details for Vehicle 5 showed that the eVIN
19 recorded during the inspection did not match the physical VIN on Vehicle 5. The communication
20 protocol recorded during the inspection did not match the expected communication protocol for
21 the make and model of this vehicle. The PID count recorded during the inspection on Vehicle 5
22 was not consistent with the PID count for the make and model of this vehicle by other smog
23 check stations.

24 38. E.L. utilized the Bureau’s database and found that the eVIN transmitted during the
25 inspection of Vehicle 5 on May 13, 2025, matched a 2024 Nissan Kicks. The communication
26 protocol and PID count transmitted to the Bureau’s database during the inspection of Vehicle 5
27 were consistent with the communication protocol and PID count for the 2024 Nissan Kicks. E.L.
28 concluded that Respondent Zamani had used the 2024 Nissan Kicks’ properly functioning OBD II

1 system during the smog inspection of Vehicle 5, resulting in the issuance of a fraudulent smog
2 certificate of compliance for Vehicle 5.

3 **Vehicle 6**

4 39. BAR-OIS test data showed that on May 15, 2025, Respondent Zamani performed a
5 smog check inspection on a 2006 Mercedes-Benz R 350 (Vehicle 6), resulting in the issuance of
6 Certificate of Compliance No. UO464674C. The OIS test details for Vehicle 6 showed that the
7 eVIN recorded during the inspection did not match the physical VIN on Vehicle 6. The PID count
8 recorded during the inspection on Vehicle 6 was not consistent with the PID count for the make
9 and model of this vehicle by other smog check stations.

10 40. E.L. utilized the Bureau's database and found that the eVIN transmitted during the
11 inspection of Vehicle 6 on May 15, 2025, matched a 2019 Acura TLX. The communication
12 protocol and PID count transmitted to the Bureau's database during the inspection of Vehicle 6
13 were consistent with the communication protocol and PID count for the 2019 Acura TLX. E.L.
14 concluded that Respondent Zamani had used the 2019 Acura TLX's properly functioning OBD II
15 system during the smog inspection of Vehicle 6, resulting in the issuance of a fraudulent smog
16 certificate of compliance for Vehicle 6.

17 **Vehicle 7**

18 41. BAR-OIS test data showed that on May 22, 2025, Respondent Zamani performed a
19 smog check inspection on a 2015 GMC Sierra (Vehicle 7), resulting in the issuance of Certificate
20 of Compliance No. UO860307C. The OIS test details for Vehicle 7 showed that the eVIN
21 recorded during the inspection did not match the physical VIN on Vehicle 7. The PID count
22 recorded during the inspection on Vehicle 7 was not consistent with the PID count for the make
23 and model of this vehicle by other smog check stations.

24 42. E.L. utilized the Bureau's database and found that the eVIN transmitted during the
25 inspection of Vehicle 7 on May 22, 2025, matched a 2007 Dodge Ram. The communication
26 protocol and PID count transmitted to the Bureau's database during the inspection of Vehicle 7
27 were consistent with the communication protocol and PID count for the 2007 Dodge Ram. E.L.
28 concluded that Respondent Zamani had used the 2007 Dodge Ram's properly functioning OBD II

1 system during the smog inspection of Vehicle 7, resulting in the issuance of a fraudulent smog
2 certificate of compliance for Vehicle 7.

3 **Vehicle 8**

4 43. BAR-OIS test data showed that on June 11, 2025, Respondent Zamani performed a
5 smog check inspection on a 2003 Saturn ION (Vehicle 8), resulting in the issuance of Certificate
6 of Compliance No. UQ271787C. The OIS test details for Vehicle 8 showed that the eVIN
7 recorded during the inspection did not match the physical VIN on Vehicle 8. The PID count
8 recorded during the inspection on Vehicle 8 was not consistent with the PID count for the make
9 and model of this vehicle by other smog check stations.

10 44. E.L. utilized the Bureau's database and found that the eVIN transmitted during the
11 inspection of Vehicle 8 on June 11, matched a 2023 Toyota Tacoma registered to Respondent
12 Zamani. The communication protocol and PID count transmitted to the Bureau's database during
13 the inspection of Vehicle 8 were consistent with the communication protocol and PID count for
14 the 2023 Toyota Tacoma. E.L. concluded that Respondent Zamani had used the 2023 Toyota
15 Tacoma's properly functioning OBD II system during the smog inspection of Vehicle 8, resulting
16 in the issuance of a fraudulent smog certificate of compliance for Vehicle 8.

17 **Vehicle 9**

18 45. BAR-OIS test data showed that on June 26, 2025, Respondent Zamani performed a
19 smog check inspection on a 2001 Chevrolet Express G2500 (Vehicle 9), resulting in the issuance
20 of Certificate of Compliance No. UQ614350C. The OIS test details for Vehicle 9 showed that the
21 eVIN recorded during the inspection did not match the physical VIN on Vehicle 9. The
22 communication protocol recorded during the inspection did not match the expected
23 communication protocol for the make and model of this vehicle. The PID count recorded during
24 the inspection on Vehicle 9 was not consistent with the PID count for the make and model of this
25 vehicle by other smog check stations.

26 46. E.L. utilized the Bureau's database and found that the eVIN transmitted during the
27 inspection of Vehicle 9 on June 26, 2025, matched a 2011 GMC Sierra K1500 SLE. The
28 communication protocol and PID count transmitted to the Bureau's database during the

1 inspection of Vehicle 9 were consistent with the communication protocol and PID count for the
2 2011 GMC Sierra. E.L. concluded that Respondent Zamani had used the 2011 GMC Sierra's
3 properly functioning OBD II system during the smog inspection of Vehicle 9, resulting in the
4 issuance of a fraudulent smog certificate of compliance for Vehicle 9.

5 **Vehicle 10**

6 47. BAR-OIS test data showed that on June 27, 2025, Respondent Zamani performed a
7 smog check inspection on a 2003 Chevrolet Silverado (Vehicle 10), resulting in the issuance of
8 Certificate of Compliance No. JD960160C. The OIS test details for Vehicle 10 showed that the
9 eVIN recorded during the inspection did not match the physical VIN on Vehicle 10. The
10 communication protocol recorded during the inspection did not match the expected
11 communication protocol for the make and model of this vehicle. The PID count recorded during
12 the inspection on Vehicle 10 was not consistent with the PID count for the make and model of
13 this vehicle by other smog check stations.

14 48. E.L. utilized the Bureau's database and found that the eVIN transmitted during the
15 inspection of Vehicle 10 on June 27, 2025, matched a 2023 Toyota Tacoma registered to
16 Respondent Zamani. The communication protocol and PID count transmitted to the Bureau's
17 database during the inspection of Vehicle 10 were consistent with the communication protocol
18 and PID count for the 2023 Toyota Tacoma. E.L. concluded that Respondent Zamani had used
19 the 2023 Toyota Tacoma's properly functioning OBD II system during the smog inspection of
20 Vehicle 10, resulting in the issuance of a fraudulent smog certificate of compliance for Vehicle
21 10.

22 **FIRST CAUSE FOR DISCIPLINE**

23 **(Untrue or Misleading Statements)**

24 49. Respondent New Crown's registration is subject to disciplinary action pursuant to
25 Code section 9884.7, subdivision (a)(1), in conjunction with Code section 9889.22, in that
26 Respondent New Crown made or authorized statements which Respondent New Crown knew or
27 in the exercise of reasonable care should have known to be untrue or misleading. Specifically,
28 Respondent New Crown certified that Vehicles 1 through 10, identified in paragraphs 29 through

1 48, above, passed inspection and were in compliance with applicable laws and regulations when,
2 in fact, those vehicles had not been properly inspected.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Fraud)**

5 50. Respondent New Crown's registration is subject to disciplinary action pursuant to
6 Code section 9884.7, subdivision (a)(4), in that Respondent New Crown committed acts that
7 constituted fraud by issuing electronic smog certificates of compliance for Vehicles 1 through 10,
8 identified in paragraphs 29 through 48, above, without ensuring that bona fide inspections were
9 performed of the emission control devices and systems on the vehicles, thereby depriving the
10 People of the State of California of the protection afforded by the Motor Vehicle Inspection
11 Program.

12 **THIRD CAUSE FOR DISCIPLINE**

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

14 51. Respondent New Crown's registration is subject to disciplinary action pursuant Code
15 section 9884.7, subdivision (a)(6), in that Respondent New Crown failed in a material respect to
16 comply with the provisions of the chapter or regulations adopted pursuant to it when Respondent
17 New Crown issued electronic certificates of compliance for Vehicles 1 through 10, identified in
18 paragraphs 29 through 48, above, without performing bona fide inspections of the emission
19 control devices and systems on those vehicles, thereby depriving the People of the State of
20 California of the protection afforded by the Motor Vehicle Inspection Program.

21 **FOURTH CAUSE FOR DISCIPLINE**

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

23 52. Respondent New Crown's smog check, test only, station license is subject to
24 discipline pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that with regards to
25 Vehicles 1 through 10, identified in paragraphs 29 through 48, above, Respondent New Crown
26 failed to comply with the following sections of the CCR's:

27 a. **Section 3340.35, subdivision (c)**: Respondent New Crown failed to inspect
28 and test Vehicles 1 through 10 in accordance with the procedures specified in section 3340.42 of

1 the CCR and failed to ensure that the vehicles had all the required emission control equipment
2 and devices installed and functioning correctly.

3 b. **Section 3373:** Respondent New Crown made or authorized documents which it
4 knew or which by exercise of reasonable care should have known to be untrue or misleading,
5 when Respondent issued fraudulent smog certificates of compliance for Vehicles 1 through 10.

6 **FIFTH CAUSE FOR DISCIPLINE**

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

8 53. Respondent New Crown's smog check, test only, station license is subject to
9 disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that with
10 regards to Vehicles 1 through 10, identified in paragraphs 29 through 48, above, Respondent New
11 Crown failed to comply with the Health & Saf. Code, as follows:

12 a. **Health & Saf. Code, section 44012:** Respondent New Crown failed to ensure
13 that the emission control tests were performed on the vehicles in accordance with procedures
14 prescribed by the department.

15 b. **Health & Saf. Code, section 44015:** Respondent New Crown issued electronic
16 smog certificates of compliance for the vehicles without ensuring that the vehicles were properly
17 tested and inspected to determine if they were in compliance with Health & Saf. Code section
18 44012.

19 **SIXTH CAUSE FOR DISCIPLINE**

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

21 54. Respondent New Crown's smog check, test only, station license is subject to
22 disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in
23 conjunction with Health & Saf. Code section 44072.10, subdivision (c), in that Respondent New
24 Crown committed dishonest, fraudulent, or deceitful acts whereby another was injured by issuing
25 electronic smog certificates of compliance for Vehicles 1 through 10, identified in paragraphs 29
26 through 48, above, without ensuring that a bona fide inspection had been performed of the
27 emission control devices and systems on the vehicles, thereby depriving the people of the State of
28 California of the protection afforded by the Motor Vehicle Inspection Program.

1 **SEVENTH CAUSE FOR DISCIPLINE**

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

3 55. Respondent Zamani’s smog check inspector license is subject to disciplinary action
4 pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that Respondent Zamani
5 violated section 44032 of that Code. Specifically, Respondent Zamani failed to perform the
6 emission control tests on Vehicles 1 through 10, identified in paragraphs 29 through 48, above, in
7 accordance with procedures prescribed by the department.

8 **EIGHTH CAUSE FOR DISCIPLINE**

9 **(Failure to Comply with Regulations)**

10 56. Respondent Zamani’s smog check inspector license is subject to discipline pursuant
11 to Health & Saf. Code section 44072.2, subdivision (c), in that regarding Vehicles 1 through 10,
12 identified in paragraphs 29 through 48, above, Respondent Zamani failed to comply with
13 provisions of the CCR, as follows:

14 a. **CCR, section 3340.30, subdivision (a)**: Respondent Zamani failed to inspect
15 and test Vehicles 1 through 10 in accordance with Health & Saf. Code section 44012 and CCR
16 section 3340.42.

17 b. **CCR, section 3340.41, subdivision (c)**: Respondent Zamani entered false
18 information into the OIS by entering vehicle identification information for a vehicle other than the
19 one being tested.

20 **NINTH CAUSE FOR DISCIPLINE**

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

22 57. Respondent Zamani’s smog check inspector license is subject to disciplinary action
23 pursuant to Health & Saf. Code section 44072.2, subdivision (d), in conjunction with Health &
24 Saf. Code section 44072.10, subdivision (c), in that Respondent Zamani committed dishonest,
25 fraudulent, or deceitful acts whereby another was injured by issuing electronic smog certificates
26 of compliance for Vehicles 1 through 10, identified in paragraphs 29 through 48, above, without
27 performing bona fide inspections of the emission control devices and systems on those vehicles,
28 thereby depriving the People of the State of California of the protection afforded by the Motor

1 Vehicle Inspection Program.

2 **OTHER MATTERS**

3 58. Pursuant to Bus. & Prof. Code section 9884.7, subdivision (c), the Director may
4 suspend, revoke, or place on probation the registration for all places of business operated in this
5 state by Respondent New Crown, upon a finding that Respondent New Crown has, or is, engaged
6 in a course of repeated and willful violations of the laws and regulations pertaining to an
7 automotive repair dealer.

8 59. Pursuant to Health & Saf. Code section 44072.8, if Smog Check, Test Only, Station
9 License Number TC 307299, issued to Respondent New Crown, is revoked or suspended, any
10 additional license issued under Chapter 5 of Part 5 of Division 26 of the Health & Saf. Code in
11 the name of said licensee may be likewise revoked or suspended by the Director.

12 60. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Inspector License
13 Number EO 644203, issued to Respondent Zamani, is revoked or suspended, any additional
14 license issued under Chapter 5 of Part 5 of Division 26 of the Health & Safety Code in the name
15 of said licensee may be likewise revoked or suspended by the Director.

16 **PRAYER**

17 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
18 and that following the hearing, the Director of the Department of Consumer Affairs issue a
19 decision:

20 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
21 307299, issued to New Crown Smog with Nasratullah Akbar Zamani as President, Sediqa K
22 Zamani as Treasurer, and Abdul Matin Zamani as Secretary;

23 2. Revoking or suspending any other Automotive Repair Dealer Registration issued to
24 New Crown Smog;

25 3. Revoking or suspending Smog Check, Test-Only, Station License Number TC
26 307299, issued to New Crown Smog;

27 4. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
28 Division 26 of the Health & Saf. Code in the name of New Crown Smog;

1 5. Revoking or suspending Smog Check Inspector License Number EO 644203, issued
2 to Nasratullah Akbar Zamani;

3 6. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
4 Division 26 of the Health and Saf. Code in the name of Nastraullah Akbar Zamani;

5 7. Ordering Nasratullah Akbar Zamani, Sediqa K Zamani, and Abdul Matin Zamani to
6 pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement
7 of this case, pursuant to Business and Professions Code section 125.3; and,

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

9

10 DATED: As of Digital Signature Date _____

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

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