BEFORE THE DIRECTOR OF THE

DEPARTMENT OF CONSUMER AFFAIRS

BUREAU OF AUTOMOTIVE REPAIR

STATE OF CALIFORNIA

In the Matter of the Accusation Against:

NEW CROWN SMOG; NASRATULLAH AKBAR ZAMANI, PRESIDENT;

SEDIQA ZAMANI, TREASURER; ABDUL MATIN ZAMANI, SECRETARY

1457 W. 16th Street

Merced, CA 95340

Automotive Repair Dealer Registration No. ARD 307299

Smog Check Test Only Station License No. TC 307299

and

NASRATULLAH AKBAR ZAMANI

1457 W. 16th Street

Merced, CA 95340

Smog Check Inspector License No. EO 644203

Case No. 79/25-17555

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Respondents.

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby accepted and adopted by the Director of the Department of Consumer Affairs as the Decision in the above-entitled matter.

This Decision shall be effective on November 19, 2026.

IT IS SO ORDERED Oct. 14, 2026.

GRACE ARUPO RODRIGUEZ
Assistant Deputy Director
Legal Affairs Division
Department of Consumer Affairs

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

In the Matter of the Accusation Against:

NEW CROWN SMOG, NASRATULLAH AKBAR ZAMANI, PRESIDENT, SEDIQA ZAMANI, TREASURER, and ABDUL MATIN ZAMANI, SECRETARY; and NASRATULLAH AKBAR ZAMANI, Respondents

Agency Case No. 79/25-17555

OAH No. 2026020096

PROPOSED DECISION

Kellie A. Brady, Administrative Law Judge (ALJ), Office of Administrative Hearings (OAH), State of California, heard this matter via videoconference on August 13, 2026, from Sacramento, California.

Seth A. Curtis, Deputy Attorney General, represented Patrick Dorais (complainant), Chief of the Bureau of Automotive Repair (Bureau or BAR), Department of Consumer Affairs.

Nasratullah Akbar Zamani (Mr. Zamani) appeared for himself and as the owner of New Crown Smog (New Crown). Mr. Zamani and New Crown are referred to collectively as "respondents."

Evidence was received, the record closed, and the matter was submitted for decision on August 13, 2026. Upon review of the evidence, the ALJ discovered the Accusation submitted in Exhibit 1 was incomplete. Therefore, on September 2, 2026, on her own motion, the ALJ reopened the record until September 10, 2026, to permit complainant to submit a complete version of the Accusation. Complainant submitted the complete Accusation on September 2, 2026, and it was marked and admitted for jurisdictional purposes as Exhibit 29. The record was reclosed and the matter was resubmitted for decision on September 10, 2026.

FACTUAL FINDINGS

Jurisdictional Matters

1. On March 9, 2023, the Bureau issued Smog Check Inspector License number EO 644203 (inspector license) to Mr. Zamani. The inspector license will expire on September 30, 2026, unless renewed.

2. On October 19, 2023, the Bureau issued Automotive Repair Dealer Registration number ARD 307299 (ARD registration) to New Crown with Mr. Zamani as President, Sediqa K. Zamani as Treasurer, and Abdul Matin Zamani as Secretary. The ARD registration will expire on October 31, 2026, unless renewed.

3. On January 19, 2024, the Bureau issued Smog Check, Test-Only, Station License number TC 307299 (station license) to New Crown with Mr. Zamani as

President, Sediqa K. Zamani as Treasurer, and Abdul Matin Zamani as Secretary. The station license will expire on October 31, 2026, unless renewed.

4. On January 22, 2026, complainant signed and thereafter filed an Accusation against respondents. Complainant alleges cause to discipline respondents' ARD registration for: (1) untrue or misleading statements; (2) fraud; and (3) material violations of the Automotive Repair Act. Complainant alleges cause to discipline New Crown's station license for: (1) violations of regulations pursuant to the Motor Vehicle Inspection Program (the Program), specifically California Code of Regulations sections 3340.35, subdivision (c) and 3373; (2) violations of the Program, specifically Health and Safety Code sections 44012 and 44015; and (3) dishonesty, fraud, or deceit. Complainant alleges cause to discipline Mr. Zamani's inspector license for: (1) a violation of the Program, specifically Health and Safety Code section 44032; (2) failure to comply with the California Code of Regulations sections 3340.30, subdivision (a) and 3340.41 subdivision (c); and (3) dishonesty, fraud, or deceit. More specifically, the Accusation alleges that respondents performed smog check inspections on 10 vehicles using a method known as "clean plugging," resulting in the issuance of fraudulent certificates of compliance for the vehicles.

5. Respondents timely filed a Notice of Defense to the Accusation. This hearing followed.

The Smog Check Program

6. The Bureau is responsible for monitoring the performance of automotive repair dealers, smog check stations and smog check inspectors to ensure they properly perform their duties under the smog control laws of the State of California. To monitor compliance with the Program, Health and Safety Code section 44072, et seq., the

Bureau reviews data generated during smog check inspections by licensed smog check stations.

7. The Program requires most vehicles driven in California to pass a smog inspection and receive a certificate every two years. These inspections are performed by smog check inspectors at smog check stations, both of which are licensed by the Bureau. The Program is designed and intended to reduce air pollution by identifying and requiring the repair or non-operation of polluting motor vehicles.

8. On March 9, 2015, the Program was updated, requiring the use of an On-Board Inspection System (OIS). With few exceptions, the OIS must be used when inspecting model year 2000 and newer gasoline and hybrid vehicles and 1998 and newer diesel vehicles. The OIS consists of a Data Acquisition Device (DAD), a computer, a bar code scanner, and a printer. The DAD is an On-Board Diagnostic (OBD) instrument connecting the OIS to the vehicle to retrieve data. The computer is used to input technician information, the Vehicle Identification Number (VIN), and the Department of Motor Vehicles (DMV) renewal information. Once connected, the DAD retrieves an electronic VIN (eVIN) from the OBD system within the vehicle's engine. Since 2005, vehicle manufacturers have been required to preprogram the vehicle's eVIN into its OBD, although many manufacturers did so before 2005. Once programmed into the OBD, a vehicle's eVIN cannot be changed. The reported eVIN should match the physical VIN label on the vehicle. The printer is used to provide both a Vehicle Inspection Report (VIR) showing the inspection results, and a certificate of compliance or noncompliance. Data retrieved during an inspection includes the eVIN, the communication protocol, and the number of Parameter Identifications (PIDs).

9. Since 2015, the Bureau has become aware of smog check stations and inspectors attempting to circumvent the testing and inspection laws by "clean

plugging" vehicles. "Clean plugging" substitutes another vehicle during the inspection to generate passing data readings and diagnostic information for the purpose of issuing certificates to vehicles that would not pass a smog inspection test on their own. In some instances, the vehicle listed on the certificate is not even present during the time the smog inspection test is performed.

Stipulated Facts

10. At hearing, respondents stipulated to every fact in the Accusation and stipulated that complainant established cause to discipline respondents' ARD registration, station license, and inspector license. A general recitation of the stipulated facts is summarized below.

11. Bureau Automotive Program Specialist Erasmo Lopez reviewed BAR-OIS test data pertaining to smog inspections conducted at respondents' facility. Mr. Lopez found that between March 27 and June 27, 2025, respondents performed smog check inspections on 10 vehicles by "clean plugging" them, resulting in the issuance of fraudulent certificates of compliance for the following vehicles:

- **Vehicle 1:** On March 27, 2025, respondents performed a smog check inspection on a 2009 Audi A4 2.0T Quattro (VIN WAULF78K19N018398), resulting in the issuance of Certificate of Compliance No. JD840285C. The OIS test details, the communication protocol, and the PID count matched a 2015 Toyota Scion (VIN JTKJF5C72FJ000392).

- **Vehicle 2:** On April 9, 2025, respondents performed a smog check inspection on a 2012 Nissan Altima (VIN WAULF78K19N018398), resulting in the issuance of Certificate of Compliance No. UM498451C. The OIS test

details, the communication protocol, and the PID count matched a 2015 Toyota Scion (VIN JTKJF5C72FJ000392).

- **Vehicle 3:** On April 17, 2025, respondents performed a smog check inspection on a 2005 Dodge Ram 1500 ST (VIN 1D7HA16D65J533042), resulting in the issuance of Certificate of Compliance No. UM498489C. The OIS test details, the communication protocol, and the PID count matched a 2004 Ford F150 (VIN 1FTRF12574NB59286).

- **Vehicle 4:** On April 18, 2025, respondents performed a smog check inspection on a 2015 Toyota Tacoma (VIN 3TMLU4EN3FM196275), resulting in the issuance of Certificate of Compliance No. UM498497C. The OIS test details, the communication protocol, and the PID count matched a 2023 Toyota Tacoma (VIN 3TMAZ5CN3PM202465). At the time of the inspection, the 2023 Toyota Tacoma was registered to Mr. Zamani.

- **Vehicle 5:** On May 13, 2025, respondents performed a smog check inspection on a 2007 BMW 328 (VIN WBAVC5356FZ71056), resulting in the issuance of Certificate of Compliance No. UO464670C. The OIS test details, the communication protocol, and the PID count matched a 2024 Nissan Kicks (VIN 3N1CP5CV5RL480469).

- **Vehicle 6:** On May 15, 2025, respondents performed a smog check inspection on a 2006 Mercedes-Benz R 350 (VIN 4JGCB65E26A023678), resulting in the issuance of Certificate of Compliance No. UO464674C. The OIS test details, the communication protocol, and the PID count matched a 2019 Acura TLX (VIN 19UUB2F65KA006958).

- **Vehicle 7:** On May 22, 2025, respondents performed a smog check inspection on a 2015 GMC Sierra (VIN 1GT120E89FF125842), resulting in the issuance of Certificate of Compliance No. UO860307C. The OIS test details, the communication protocol, and the PID count matched a 2007 Dodge Ram (VIN 3D3KS29A57G849080).

- **Vehicle 8:** On June 11, 2025, respondents performed a smog check inspection on a 2003 Saturn ION (VIN 1G8AJ52F23Z158821), resulting in the issuance of Certificate of Compliance No. UQ271787C. The OIS test details, the communication protocol, and the PID count matched the 2023 Toyota Tacoma that was registered to Mr. Zamani.

- **Vehicle 9:** On June 26, 2025, respondents performed a smog check inspection on a 2001 Chevrolet Express G2500 (VIN 1GAGG25R111202489), resulting in the issuance of Certificate of Compliance No. UQ614350C. The OIS test details, the communication protocol, and the PID count matched a 2011 GMC Sierra K1500 SLE (VIN 1GTR2VE31BZ260634).

- **Vehicle 10:** On June 27, 2025, respondents performed a smog check inspection on a 2003 Chevrolet Silverado (VIN 1GCEC14V33Z310569), resulting in the issuance of Certificate of Compliance No. JD960160C. The OIS test details, the communication protocol, and the PID count matched the 2023 Toyota Tacoma that was registered to Mr. Zamani.

Complainant's Additional Evidence

12. On October 22, 2025, Mr. Lopez visited New Crown at the shop location in Merced. Mr. Lopez provided Mr. Zamani with copies of the 10 VIRs for the vehicles alleged to have been issued fraudulent certificates. Mr. Zamani reviewed and initialed

all 10 VIRs, indicating he performed the smog test inspections on each vehicle. He also admitted to using his personal vehicle, a 2023 Toyota Tacoma, to issue 3 of the 10 fraudulent smog certificates.

13. Mr. Zamani told Mr. Lopez he wanted to help some friends and did not make any extra money from the illegal tests. He did not know what "clean plugging" means but instead referred to the illegal smog tests as a "hot smog."

14. Mr. Lopez requested copies of the original signed smog certificates for the 10 vehicles. However, Mr. Zamani admitted he does not retain copies of the certificates. He stated he was unaware of the Bureau's record retention requirements.

Respondents' Evidence

15. Mr. Zamani testified at hearing. He has been a licensed smog check inspector for approximately two and a half years. He admitted clean plugging all 10 vehicles and takes full responsibility for the illegal smog certificates.

16. Mr. Zamani stated he committed clean plugging to help his friends and family. He runs the business on his own, with occasional help from a friend if he needs a day off. He handles all the smog check inspections and all the administrative aspects of the business.

17. Mr. Zamani opened New Crown to help his family financially. He stated he made approximately $39,000 in 2025 from his business. He expects to make the same amount in 2026.

18. Mr. Zamani made changes to his business after Mr. Lopez's inspection on October 22, 2025. He now refuses to issue illegal smog inspection certificates, even to family and friends. He also processes his invoices immediately and maintains records

for all the inspections he completes. He stated he is strict on every aspect of the business.

19. Mr. Zamani hopes to maintain his licenses and continue his business. He is willing to do anything the Bureau requires of him, including completing additional training. He stated that although he cannot take back his actions, he wished he could. He is asking for a second chance.

NOOR MOHAMAD ZAMANI'S TESTIMONY

20. Noor Mohamad Zamani (Noor) testified at hearing. Noor is Mr. Zamani's father. Noor owns a tire shop and works in the automotive industry. He stated Mr. Zamani worked for him before opening New Crown.

21. Noor stated Mr. Zamani is hard working and honest. He believes Mr. Zamani deserves a second chance. He stated Mr. Zamani is the only child that helps the family at home. Noor is confident that Mr. Zamani learned from this experience and will not do it again.

Analysis

22. It is undisputed that respondents issued illegal smog certificates to 10 vehicles between March and June 2025. Respondents made false or misleading statements when they certified Vehicles 1 through 10 passed a smog inspection when the vehicles had not been properly inspected. Respondents then fraudulently issued electronic smog certificates for all 10 vehicles. These actions independently constitute violations of the Automotive Repair Act. In addition, because respondents failed to properly inspect the 10 vehicles and thus issued documents they knew contained false or misleading statements, they violated the Program.

23. The Program was implemented to protect the public from harmful vehicle emissions by ensuring vehicles registered in California comply with maximum vehicle emission standards adopted by the Department and the Air Resources Board. Respondents defeated the purpose of the Program by using the information from one vehicle to certify that another vehicle complied with maximum vehicle emission standards. Respondents did not dispute the allegations and admitted to clean plugging Vehicles 1 through 10. Respondents' conduct constituted fraud, dishonesty, or deceit and injured the public by allowing the vehicles to remain in operation without ensuring that they were not unduly polluting the environment.

24. The BAR has adopted "Guidelines for Disciplinary Orders and Terms of Probation (Rev. June 2021)" for determining the appropriate level of discipline for violating the statutes and regulations governing BAR licensees. (Cal. Code Regs., tit. 16, § 3395.4, "Guidelines.") The recommended discipline for the alleged violations includes stayed revocation and probation for a period ranging from two to five years. However, the recommended discipline for conduct by a smog check technician or station licensee that constitutes dishonesty, fraud or deceit is revocation of the applicable license.

25. Respondents stipulated to all the facts alleged in the accusation and admit to clean plugging Vehicles 1 through 10. Therefore, cause exists to discipline respondents' ARD registration and licenses.

Costs

26. The Bureau may recover its reasonable investigation and enforcement costs of a case. (Bus. & Prof. Code, § 125.3, subd. (a).) Here, complainant incurred a total of $5,510.25 in investigation costs. The investigation costs are supported by a

Declaration of Mr. Lopez dated October 23, 2025, which is accompanied by documents describing the general tasks performed, the time spent on each task, and the method of calculating the costs.

27. Complainant also incurred a total of $5,166 in enforcement costs. The enforcement costs are supported by a Certification of Prosecution Costs: Declaration of Seth Curtis, dated August 10, 2026, which is accompanied by documents describing the general tasks performed, the time spent on each task, and the method of calculating the costs.

28. Respondents did not introduce any evidence that complainant's costs are unreasonable. The reasonable costs of investigation and enforcement in this matter are discussed below.

LEGAL CONCLUSIONS

1. "Protection of the public shall be the highest priority for the Bureau of Automotive Repair in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount." (Bus. & Prof. Code, § 9880.3.)

Burden and Standard of Proof

2. Complainant has the burden to prove the allegations in the Accusation by a preponderance of the evidence. (*Imports Performance v. Dept. of Consumer Affairs, Bureau of Automotive Repair* (2011) 201 Cal.App.4th 911, 916-917.) This evidentiary standard requires complainant to produce evidence of such weight that,

when balanced against evidence to the contrary, is more persuasive. (*People ex rel. Brown v. Tri-Union Seafoods, LLC* (2009) 171 Cal.App.4th 1549, 1567.) In other words, complainant need only prove it is more likely than not that respondents engaged in the conduct alleged in the Accusation as constituting cause for disciplining respondents' license. (*Lillian F. v. Superior Court* (1984) 160 Cal.App.3d 314, 320.)

Applicable Law

3. The Bureau may suspend, revoke, or take other disciplinary action against an automotive repair dealer who makes or authorizes a statement that is untrue or misleading; commits any conduct that constitutes fraud; or fails to comply with any Bureau statutes or regulations. (Health & Saf. Code, § 9884.7, subds. (a)(1), (a)(4), & (a)(6).)

4. The Bureau may suspend, revoke, or take other disciplinary action against a licensee who violates any section of the Program; violates any Bureau regulation adopted pursuant to the Program; or commits any act of dishonesty, fraud, or deceit whereby another is injured. (Health & Saf. Code, § 44072.2, subds. (a), (c), & (d).)

5. A smog test "shall be performed in accordance with procedures prescribed by the department . . . ." (Health & Saf. Code, § 44012; Cal. Code Regs. tit. 16, § 3340.42.) A smog check inspector shall inspect and test vehicles, as applicable, in accordance with Health and Safety Code sections 44012 and 44015, and California Code of Regulations, title 16, section 3340.42. (Cal. Code Regs., tit. 16, § 3340.30, subd. (a).) A qualified smog check technician's qualification may be suspended or revoked by the department "for failure to meet or maintain the standards prescribed for qualification, equipment, performance, or conduct." (Health & Saf. Code, § 44035, subd. (a).) A licensed smog check inspector shall not enter into the EIS [Emissions

Inspection System] or OIS any vehicle identification information or emission control system identification data for any vehicle other than the one being tested, or any false information about the vehicle being tested. (Cal. Code Regs., tit. 16, § 3340.41, subd. (c).)

Causes for Discipline

AUTOMOTIVE REPAIR DEALER REGISTRATION

6. An Automotive Repair Dealer Registration may be disciplined if the registrant made statements he knew or in the exercise of reasonable care should have known were untrue or misleading. (Bus. & Prof. Code, § 9884.7, subd. (a)(1).) A registration may also be disciplined if the registrant committed fraud or committed a material violation of the Automotive Repair Act. (*Id.* at subds. (a)(4), (6).)

7. Respondent New Crown made statements that it knew or should have known were untrue or misleading when it issued certificates of compliance for the 10 vehicles alleged to be clean plugged in the accusation, thereby certifying that each vehicle passed a properly performed smog inspection. Therefore, cause exists to discipline Automotive Repair Dealer Registration Number ARD 307299 pursuant to Business and Professions Code section 9884.7, subdivision (a)(1).

8. Respondent New Crown's conduct also constituted fraud. Therefore, cause exists to discipline Automotive Repair Dealer Registration Number ARD 307299 pursuant to Business and Professions Code section 9884.7, subdivision (a)(4).

9. Respondent New Crown's conduct also constitutes a material violation of the Automotive Repair Act. Therefore, cause exists to discipline Automotive Repair

Dealer Registration Number ARD 307299 pursuant to Business and Professions Code section 9884.7, subdivision (a)(6).

10. If an Automotive Repair Dealer Registration is disciplined, all other registrations issued to the registrant may be disciplined if the registrant "has, or is, engaged in a course of repeated and willful violations of" the Automotive Repair Act (Bus. & Prof. Code, § 9880 et seq.) or regulations adopted pursuant to it. (Bus. & Prof. Code, § 9884.7, subd. (c).) Respondent New Crown engaged in a repeated and willful course of making untrue or misleading and fraudulent statements when it issued the certificates of compliance for Vehicles 1 through 10. Therefore, cause exists pursuant to Business and Professions Code section 9884.7, subdivision (c), to discipline any other Automotive Repair Dealer Registration issued to respondents.

SMOG CHECK STATION LICENSE

11. A smog check station license may be disciplined if the licensee violated the Motor Vehicle Inspection Program. (Health & Saf. Code, § 44072.2, subd. (a).) A license may also be disciplined if the licensee violated regulations governing smog inspections. (*Id.* at subd. (c).) A license may also be disciplined if the licensee committed dishonest, fraudulent, or deceitful acts that injured another. (*Id.* at subd. (d).) The license shall be revoked if the licensee issues a fraudulent certificate of compliance. (Health & Saf. Code, § 44072.10, subd. (c).)

12. Respondent New Crown violated the Motor Vehicle Inspection Program when it issued certificates of compliance for Vehicles 1 through 10 by clean plugging each vehicle. In doing so, it failed to ensure each smog inspection was performed in accordance with Health and Safety Code section 44012, subdivision (a), and the Department's procedures. Therefore, cause exists to discipline Smog Check, Test Only,

Station License Number TC 307299 pursuant to Health and Safety Code section 44072.2, subdivision (a), as that statute relates to Health and Safety Code sections 44012, subdivision (a), and 44015.

13. Respondent New Crown violated regulations governing smog inspections by failing to inspect and test Vehicles 1 through 10 in accordance with the procedures specified in section 3340.42 and by failing to ensure that the vehicles had all the required emission control equipment and devices installed and functioning correctly. Therefore, cause exists to discipline Smog Check, Test Only, Station License Number TC 307299 pursuant to Health and Safety Code section 44072.2, subdivision (c), as that statute relates to California Code of Regulations, title 16, sections 3340.35, subdivision (c), and 3340.42.

14. Respondent New Crown also violated regulations governing smog inspections by issuing fraudulent certificates of compliance for Vehicles 1 through 10 when it knew or should have known the certificates and the statements therein were untrue or misleading. Therefore, cause exists to discipline Smog Check, Test Only, Station License Number TC 307299 pursuant to Health and Safety Code section 44072.2, subdivision (c), as that statute relates to California Code of Regulations, title 16, section 3373.

15. Respondent New Crown engaged in fraud by certifying under penalty of perjury that Vehicles 1 through 10 underwent proper smog inspections even though they had not. Therefore, cause exists to discipline Smog Check, Test Only, Station License Number TC 307299 pursuant to Health and Safety Code sections 44072.2, subdivision (d), and 44072.10, subdivision (c).

16. When a smog check, test-only station license has been disciplined, any other station license issued to the same licensee may be disciplined. (Health & Saf. Code, § 44072.8.) Cause exists pursuant to Health and Safety Code section 44072.8 to discipline any other smog check, test-only station license issued to respondents for the reasons explained above.

SMOG CHECK INSPECTOR LICENSE

17. A smog check inspector license may be disciplined if the licensee violated the Motor Vehicle Inspection Program. (Health & Saf. Code, § 44072.2, subd. (a).) A license may be disciplined if the licensee violated regulations governing smog inspections. (*Id.* at subd. (c).) A license may also be disciplined if the licensee committed dishonest, fraudulent, or deceitful acts that injured another. (*Id.* at subd. (d).) The license shall be revoked if the licensee issues a fraudulent certificate of compliance. (Health & Saf. Code, § 44072.10, subd. (c).)

18. Respondent Mr. Zamani violated the Motor Vehicle Inspection Program when he issued certificates of compliance for Vehicles 1 through 10 by clean plugging each vehicle. In doing so, he failed to perform the emission control tests in accordance with Health and Safety Code section 44032 and the Department's procedures. Therefore, cause exists to discipline Smog Check Inspector License Number EO 644203 pursuant to Health and Safety Code section 44072.2, subdivision (a), as that statute relates to Health and Safety Code sections 44032, subdivision (a).

19. Respondent Mr. Zamani violated regulations governing smog inspections by failing to inspect and test Vehicles 1 through 10 in accordance with the procedures specified in section 3340.30, subdivision (a) and by entering false VIN information for the 10 vehicles into the OIS. Therefore, cause exists to discipline Smog Check Inspector

License Number EO 644203 pursuant to Health and Safety Code section 44072.2, subdivision (c), as that statute relates to California Code of Regulations, title 16, sections 3340.30, subdivision (a), and 3340.41, subdivision (c).

20. Respondent Mr. Zamani engaged in dishonest, fraudulent, or deceitful acts by certifying under penalty of perjury that Vehicles 1 through 10 underwent proper smog inspections even though they had not. Therefore, cause exists to discipline Smog Check Inspector License Number EO 644203 pursuant to Health and Safety Code sections 44072.2, subdivision (d), and 44072.10, subdivision (c).

21. When a smog check inspector license has been disciplined, any other inspector license issued to the same licensee may be disciplined. (Health & Saf. Code, § 44072.8.) Cause exists pursuant to Health and Safety Code section 44072.8 to discipline any other smog check inspector license issued to respondent Mr. Zamani for the reasons explained above.

Appropriate Discipline

22. As specified above, complainant established respondents engaged in multiple violations of the Program and its underlying regulations. From March through June 2025, respondents clean plugged Vehicles 1 through 10 and issued fraudulent certificates for smog check inspections they failed to perform in accordance with department procedures.

23. Respondent Mr. Zamani's testimony at hearing provided credible assurances that he would perform his duties appropriately in the future. However, because clean plugging is among the most serious violations a Bureau licensee can commit, the law provides that "the department shall revoke the license of any smog check technician or station licensee who fraudulently certifies vehicles or participates

in the fraudulent inspection of vehicles." (Health & Saf. Code, § 44072.10, subd. (c).) Fraudulent inspection includes, "clean piping, clean plugging, clean glassing, clean tanking, or any other fraudulent inspection practice, as defined by the department." (*Id.* at subd. (c)(1).) Thus, because complainant established respondents conduct constituted a violation of Health and Safety Code section 44072.10, subdivision (c), the law requires that the station license and inspector license must be revoked.

24. However, Health and Safety Code section 44072.10, subdivision (c) does not apply to an Automotive Repair Dealer Registration and thus, the law does not require respondent New Crown's ARD registration to be revoked. Section 44072.10, subdivision (c), specifically states that the "department shall revoke the license of any smog check technician or station license who fraudulently certifies vehicles. . . ." (Health & Saf. Code, § 44072.10, subd. (c).) The language of this section does not automatically include Automotive Repair Dealer Registrations.

25. Although complainant established cause to discipline respondent New Crown's ARD registration for multiple violations of the Program and the underlying regulations, respondent Mr. Zamani provided credible testimony of the extensive changes he made in the business since the violations occurred. Those efforts should not be ignored. The objective of license discipline is to protect the public, not punish a licensee. (See *Fahmy v. Medical Bd. of California* (1995) 38 Cal.App.4th 810, 817.) When all the evidence is considered, revocation of respondent New Crown's ARD registration is not warranted and would be unduly punitive. The public would be adequately protected by placing respondent New Crown's ARD registration on probation period of three years and imposing the standard terms and conditions.

Costs

26. In *Zuckerman v. State Board of Chiropractic Examiners* (2002) 29 Cal.4th 32, the California Supreme Court set forth factors for determining whether costs should be assessed in the particular circumstances of each case, to ensure that licensees with potentially meritorious claims are not deterred from exercising their right to an administrative hearing. Those factors include whether the licensee has been successful at hearing in getting the charges dismissed or reduced, the licensee's good faith belief in the merits of his position, whether the licensee has raised a colorable challenge to the proposed discipline, the financial ability of the licensee to pay, and whether the scope of the investigation was appropriate to the alleged misconduct.

27. As discussed above, complainant incurred investigation costs of $5,510.25 and prosecution costs of $5,166 for total enforcement costs of $10,676.25. Over the course of the investigation, a Bureau specialist reviewed records, communicated with respondent, conducted a site inspection, and ultimately prepared a report consisting of violations regarding 10 separate vehicles. Although respondents stipulated to the facts in the Accusation at hearing, time was spent on the preparation of the case leading up to the hearing date. Therefore, complainant's submitted costs are reasonable.

28. Respondents were not successful in getting the charges dismissed, however respondents were successful in getting the charges against the ARD registration reduced from revocation to a probation period. Mr. Zamani credibly testified that he regretted clean plugging the vehicles. He appeared remorseful and fully acknowledged his misconduct. He also credibly testified to his efforts to remediate respondents' misconduct by implementing strict inspection policies. Mr. Zamani only accepts a small salary from the business and mainly uses that money to

help his parents and siblings. Requiring him to pay the full costs will be a financial burden to not only himself, but the family he helps support. Considering the *Zuckerman* factors, a cost reduction from $10,676.25 to $5,300 is appropriate. Respondents shall be allowed to pay the costs pursuant to a payment plan acceptable to the Bureau.

ORDER

IT IS HEREBY ORDERED that:

1. Smog Check, Test-Only, Station License number TC 307299 issued to respondent New Crown Smog, Nasratullah Akbar Zamani as President, Sediqa K. Zamani as Treasurer, and Abdul Matin Zamani as Secretary, is REVOKED, as are any additional licenses issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of New Crown Smog.

2. Smog Check Inspector License number EO 644203 issued to Nasratullah Akbar Zamani is REVOKED, as are any additional licenses issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of Nasratullah Akbar Zamani.

3. Automotive Repair Dealer Registration No. ARD 307299 issued to respondent New Crown Smog, with Nasratullah Akbar Zamani as President, Sediqa K. Zamani as Treasurer, and Abdul Matin Zamani as Secretary, is REVOKED. However, the revocation is stayed and the ARD registration is placed on probation for three years with the following terms and conditions.

1. Obey All Laws

During the period of probation, respondents shall comply with all federal and state statutes, regulations and rules governing all BAR registrations and licenses held by respondents.

2. Quarterly Reporting

During the period of probation, respondents shall report either by personal appearance or in writing as determined by BAR on a schedule set by BAR, but no more frequently than once each calendar quarter, on the methods used and success achieved in maintaining compliance with the terms and conditions of probation.

3. Report Financial Interests

Respondents shall, within 30 days of the effective date of the Decision and within 30 days from the date of any request by BAR during the period of probation, report any financial interest which any respondents or any partners, officers, or owners of any respondent facility may have in any other business required to be registered pursuant to Section 9884.6 of the Business and Professions Code.

4. Access to Examine Vehicles and Records

Respondents shall provide BAR representatives unrestricted access to examine all vehicles (including parts) undergoing service, inspection, or repairs, up to and including the point of completion. Respondents shall also provide BAR representatives unrestricted access to all records pursuant to BAR laws and regulations.

5. Tolling of Probation

If, during probation, respondents leave the jurisdiction of California to reside or do business elsewhere or otherwise cease to do business in the jurisdiction of California, respondents shall notify BAR in writing within 10 days of the dates of

departure and return, and of the dates of cessation and resumption of business in California.

All provisions of probation other than cost recovery requirements, training requirements, and that respondents obey all laws shall be held in abeyance during any period of time of 30 days or more in which respondents are not residing or engaging in business within the jurisdiction of California. All provisions of probation shall recommence on the effective date of resumption of business in California. Any period of time of 30 days or more in which respondents are not residing or engaging in business within the jurisdiction of California shall not apply to the reduction of this probationary period or to any period of actual suspension not previously completed. Tolling is not available if business or work relevant to the probationary license or registration is conducted or performed during the tolling period.

6. Violation of Probation

If respondents violate or fail to comply with the terms and conditions of probation in any respect, the Director, after giving notice and opportunity to be heard may set aside the stay order and carry out the disciplinary order provided in the Decision. Once respondents are 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.

7. Maintain Valid License

Respondents shall, at all times while on probation, maintain a current and active registration and/or license(s) with BAR, including any period during which suspension or probation is tolled. If the registration or license is expired at the time the Decision becomes effective, the registration or license must be renewed by respondents within

30 days of that date. If the registration or license expires during probation, by operation of law or otherwise, then upon renewal, the registration or license shall be subject to any and all terms and conditions of probation not previously satisfied. Failure to maintain a current and active registration and/or license during the period of probation shall also constitute a violation of probation.

8. Cost Recovery

Respondents shall pay the Bureau of Automotive Repair $5,300 for the reasonable costs of the investigation and enforcement of case no. 79/25-17555.

Respondents shall arrange to make payments on a plan approved by the Bureau. Any agreement for a scheduled payment plan shall require full payment to be completed no later than six months before probation terminates. Respondents shall make payment by check or money order payable to the Bureau of Automotive Repair and shall indicate on the check or money order that it is for cost recovery payment for case no. 79/25-17555.

Any order for payment of cost recovery shall remain in effect whether or not probation is tolled. Probation shall not terminate until full cost recovery payment has been made. BAR reserves the right to pursue any other lawful measures in collecting on the costs ordered and past due, in addition to taking action based upon the violation of probation.

9. Completion of Probation

Upon successful completion of probation, the ARD registration will be fully restored, if respondents meet all current requirements for registration or licensure and have paid all outstanding fees, monetary penalties, and cost recovery owed to BAR.

10. License Surrender

Following the effective date of the Decision, if respondents cease business operations or are otherwise unable to satisfy the terms and conditions of probation, respondents may request that the stay be vacated. Such request shall be made in writing to BAR. The Director and the BAR Chief reserve the right to evaluate the respondents' request and to exercise discretion whether to grant the request or take any other action deemed appropriate or reasonable under the circumstances. Upon formal granting of the request, the Director will vacate the stay order and carry out the disciplinary order provided in the Decision.

Respondents may not petition the Director for reinstatement of the surrendered registration and/or license or apply for a new registration or license under the jurisdiction of BAR at any time before the date of the originally scheduled completion of probation. If respondents apply to BAR for a registration or license at any time after that date, respondents must meet all current requirements for registration or licensure and pay all outstanding fees or cost recovery owed to BAR and left outstanding at the time of surrender.

DATE: October 6, 2026

Kellie A. Brady
Kellie A. Brady (Oct 6, 2026 14:36:08 PDT)
KELLIE A. BRADY
Administrative Law Judge
Office of Administrative Hearings