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7  
8 **BEFORE THE**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
9 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**  
**STATE OF CALIFORNIA**

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

Case No. **77/16 - 15630**

**ACCUSATION AND PETITION TO  
REVOKE PROBATION**

12 **MAXRUN CORP.**  
dba AAMCO TRANSMISSIONS  
13 **JEONG HOON KIM,**  
President/Secretary/Treasurer  
14 **3580 Sonoma Blvd.**  
**Vallejo, CA 94590**

15 **Automotive Repair Dealer Registration**  
16 **Number 255511**

17 **And**

18 **MAXRUN CORP.**  
dba AAMCO TRANSMISSIONS  
19 **JEONG HOON KIM,**  
President/Secretary/Treasurer  
20 **JING JG LEE, Secretary**  
75 S. Capitol Ave.  
21 **San Jose, CA 95127**

22 **Automotive Repair Dealer Registration**  
23 **Number 248462**

24 Respondent.

25 Complainant alleges:

26 **PARTIES**

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

1 Department of Consumer Affairs.

2 2. On or about July 14, 2008, the Bureau of Automotive Repair issued Automotive  
3 Repair Dealer Registration Number ARD 255511 to Maxrun Corp., Jeong Hoon Kim,  
4 President/Secretary/Treasurer, dba AAMCO Transmissions (hereinafter "Respondent"). The  
5 Automotive Repair Dealer Registration was in full force and effect at all times relevant to the  
6 charges brought herein and will expire on July 31, 2017, unless renewed.

7 3. On or about January 2, 2007, the Bureau of Automotive Repair issued Automotive  
8 Repair Dealer Registration Number ARD 248462 to Maxrun Corp., Jeong Hoon Kim,  
9 President/Treasurer, Jing Jg Lee, Secretary, dba AAMCO Transmission. The Automotive Repair  
10 Dealer Registration expired on December 31, 2012, and has not been renewed.

11 4. In a disciplinary action entitled "In the Matter of the Accusation Against Maxrun  
12 Corp., dba AAMCO Transmissions, et al.," Case No. 77/11-50, the Bureau of Automotive Repair  
13 issued a Decision and Order effective December 19, 2012, in which Respondents' Automotive  
14 Repair Dealer Registrations were revoked. However, the revocation was stayed and  
15 Respondents' Automotive Repair Dealer Registrations were placed on probation for five (5) years  
16 with certain terms and conditions. A copy of that Decision and Order is attached as Exhibit A  
17 and is incorporated by reference.

#### 18 JURISDICTION AND STATUTORY PROVISIONS FOR ACCUSATION

19 5. This Accusation is brought before the Director of the Department of Consumer  
20 Affairs (Director) for the Bureau of Automotive Repair, under the authority of the following laws.  
21 All section references are to the Business and Professions Code ("Code") unless otherwise  
22 indicated.

23 4. Section **118(b)** of the Code states:

24 (b) The suspension, expiration, or forfeiture by operation of law of a license issued by a  
25 board in the department, or its suspension, forfeiture, or cancellation by order of the board or by  
26 order of a court of law, or its surrender without the written consent of the board, shall not, during  
27 any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its  
28 authority to institute or continue a disciplinary proceeding against the licensee upon any ground

1 provided by law or to enter an order suspending or revoking the license or otherwise taking  
2 disciplinary action against the licensee on any such ground.

3 4. Section **9884.13** of the Code states:

4 The expiration of a valid registration shall not deprive the director or chief of jurisdiction to  
5 proceed with any investigation or disciplinary proceeding against an automotive repair dealer or  
6 to render a decision invalidating a registration temporarily or permanently.

7 **STATUTORY AND REGULATORY PROVISIONS**

8 6. Section **9884.6** of the Code states:

9 (a) It is unlawful for any person to be an automotive repair dealer unless that person has  
10 registered in accordance with this chapter and unless that registration is currently valid.

11 (b) A person who, for compensation, adjusts, installs, or tests retrofit systems for purposes  
12 of Chapter 6 (commencing with Section 44200) of Part 5 of Division 26 of the Health and Safety  
13 Code is an automotive repair dealer for purposes of this chapter.

14 7. Section **9884.7** of the Code states, in pertinent part:

15 (a) The director, where the automotive repair dealer cannot show there was a bona fide  
16 error, may deny, suspend, revoke, or place on probation the registration of an automotive repair  
17 dealer for any of the following acts or omissions related to the conduct of the business of the  
18 automotive repair dealer, which are done by the automotive repair dealer or any automotive  
19 technician, employee, partner, officer, or member of the automotive repair dealer.

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

23 ...

24 (4) Any other conduct that constitutes fraud.

25 ...

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

28 (7) Any willful departure from or disregard of accepted trade standards for good and

1 workmanlike repair in any material respect, which is prejudicial to another without consent of the  
2 owner or his or her duly authorized representative.

3 . . .

4 (9) Having repair work done by someone other than the dealer or his or her employees  
5 without the knowledge or consent of the customer unless the dealer can demonstrate that the  
6 customer could not reasonably have been notified.

7 . . .

8 (b) Except as provided for in subdivision (c), if an automotive repair dealer operates more  
9 than one place of business in this state, the director pursuant to subdivision (a) shall only suspend,  
10 revoke, or place on probation the registration of the specific place of business which has violated  
11 any of the provisions of this chapter. This violation, or action by the director, shall not affect in  
12 any manner the right of the automotive repair dealer to operate his or her other places of business.

13 (c) Notwithstanding subdivision (b), the director may suspend, revoke, or place on probation  
14 the registration for all places of business operated in this state by an automotive repair dealer  
15 upon a finding that the automotive repair dealer has, or is, engaged in a course of repeated and  
16 willful violations of this chapter, or regulations adopted pursuant to it.

17 8. Section **9884.8** of the Code states:

18 All work done by an automotive repair dealer, including all warranty work, shall be  
19 recorded on an invoice and shall describe all service work done and parts supplied. Service work  
20 and parts shall be listed separately on the invoice, which shall also state separately the subtotal  
21 prices for service work and for parts, not including sales tax, and shall state separately the sales  
22 tax, if any, applicable to each. If any used, rebuilt, or reconditioned parts are supplied, the invoice  
23 shall clearly state that fact. If a part of a component system is composed of new and used, rebuilt  
24 or reconditioned parts, that invoice shall clearly state that fact. The invoice shall include a  
25 statement indicating whether any crash parts are original equipment manufacturer crash parts or  
26 nonoriginal equipment manufacturer aftermarket crash parts. One copy of the invoice shall be  
27 given to the customer and one copy shall be retained by the automotive repair dealer.

28 9. Section **9884.9** of the Code states, in pertinent part:

1 (a) The automotive repair dealer shall give to the customer a written estimated price for  
2 labor and parts necessary for a specific job. No work shall be done and no charges shall accrue  
3 before authorization to proceed is obtained from the customer. No charge shall be made for work  
4 done or parts supplied in excess of the estimated price without the oral or written consent of the  
5 customer that shall be obtained at some time after it is determined that the estimated price is  
6 insufficient and before the work not estimated is done or the parts not estimated are supplied.  
7 Written consent or authorization for an increase in the original estimated price may be provided  
8 by electronic mail or facsimile transmission from the customer. The bureau may specify in  
9 regulation the procedures to be followed by an automotive repair dealer if an authorization or  
10 consent for an increase in the original estimated price is provided by electronic mail or facsimile  
11 transmission. If that consent is oral, the dealer shall make a notation on the work order of the date,  
12 time, name of person authorizing the additional repairs, and telephone number called, if any,  
13 together with a specification of the additional parts and labor and the total additional cost, and  
14 shall do either of the following:

15 (1) Make a notation on the invoice of the same facts set forth in the notation on the work  
16 order.

17 (2) Upon completion of the repairs, obtain the customer's signature or initials to an  
18 acknowledgment of notice and consent, if there is an oral consent of the customer to additional  
19 repairs, in the following language:

20 "I acknowledge notice and oral approval of an increase in the original estimated price.

21 \_\_\_\_\_  
22 (signature or initials)"

23 Nothing in this section shall be construed as requiring an automotive repair dealer to give a  
24 written estimated price if the dealer does not agree to perform the requested repair.

25 (b) The automotive repair dealer shall include with the written estimated price a statement  
26 of any automotive repair service that, if required to be done, will be done by someone other than  
27 the dealer or his or her employees. No service shall be done by other than the dealer or his or her  
28 employees without the consent of the customer, unless the customer cannot reasonably be

1 notified. The dealer shall be responsible, in any case, for any service in the same manner as if the  
2 dealer or his or her employees had done the service.

3 . . .

4 10. Section **9884.11** of the Code states:

5 Each automotive repair dealer shall maintain any records that are required by regulations  
6 adopted to carry out this chapter. Those records shall be open for reasonable inspection by the  
7 chief or other law enforcement officials. All of those records shall be maintained for at least three  
8 years.

9 11. California Code of Regulations, Title 16, section **3353**, states, in pertinent part:

10 No work for compensation shall be commenced and no charges shall accrue without  
11 specific authorization from the customer in accordance with the following requirements:

12 (a) Estimate for Parts and Labor. Every dealer shall give to each customer a written  
13 estimated price for parts and labor for a specific job.

14 . . .

15 (c) Additional Authorization. Except as provided in subsection (f), the dealer shall obtain  
16 the customer's authorization before any additional work not estimated is done or parts not  
17 estimated are supplied. This authorization shall be in written, oral, or electronic form, and shall  
18 describe the additional repairs, parts, labor and the total additional cost.

19 (1) If the authorization from the customer for additional repairs, parts, or labor in excess of  
20 the written estimated price is obtained orally, the dealer shall also make a notation on the work  
21 order and on the invoice of the date, time, name of the person authorizing the additional repairs,  
22 and the telephone number called, if any, together with the specification of the additional repairs,  
23 parts, labor and the total additional cost.

24 (2) If the authorization from the customer for additional repairs, parts, or labor in excess of  
25 the written estimated price is obtained by facsimile transmission (fax), the dealer shall also attach  
26 to the work order and the invoice, a faxed document that is signed and dated by the customer and  
27 shows the date and time of transmission and describes the additional repairs, parts, labor and the  
28 total additional cost.

1 (3) If the authorization from the customer for additional repairs, parts, or labor in excess of  
2 the written estimated price is obtained by electronic mail (e-mail), the dealer shall print and attach  
3 to the work order and invoice, the e-mail authorization which shows the date and time of  
4 transmission and describes the additional repairs, parts, labor and the total additional cost.

5 (4) The additional repairs, parts, labor, total additional cost, and a statement that the  
6 additional repairs were authorized either orally, or by fax, or by e-mail shall be recorded on the  
7 final invoice pursuant to Section 9884.9 of the Business and Professions Code. All documentation  
8 must be retained pursuant to Section 9884.11 of the Business and Professions Code.

9 (d) Estimated Price to Tear Down, Inspect, Report and Reassemble. For purposes of this  
10 article, to "tear down" shall mean to disassemble, and "teardown" shall mean the act of  
11 disassembly. If it is necessary to tear down a vehicle component in order to prepare a written  
12 estimated price for required repair, the dealer shall first give the customer a written estimated  
13 price for the teardown. This price shall include the cost of reassembly of the component. The  
14 estimated price shall also include the cost of parts and necessary labor to replace items such as  
15 gaskets, seals and O rings that are normally destroyed by teardown of the component. If the act of  
16 teardown might prevent the restoration of the component to its former condition, the dealer shall  
17 write that information on the work order containing the teardown estimate before the work order  
18 is signed by the customer.

19 The repair dealer shall notify the customer orally and conspicuously in writing on the  
20 teardown estimate the maximum time it will take the repair dealer to reassemble the vehicle or the  
21 vehicle component in the event the customer elects not to proceed with the repair or maintenance  
22 of the vehicle and shall reassemble the vehicle within that time period if the customer elects not to  
23 proceed with the repair or maintenance. The maximum time shall be counted from the date of  
24 authorization of teardown.

25 After the teardown has been performed, the dealer shall prepare a written estimated price  
26 for labor and parts necessary for the required repair. All parts required for such repair shall be  
27 listed on the estimate. The dealer shall then obtain the customer's authorization for either repair or  
28 reassembly before any further work is done.

1  
2 (g) Unusual Circumstances; Authorization Required. When the customer is unable to  
3 deliver the motor vehicle to the dealer during business hours or if the motor vehicle is towed to  
4 the dealer without the customer during business hours, and the customer has requested the dealer  
5 to take possession of the motor vehicle for the purpose of repairing or estimating the cost of  
6 repairing the motor vehicle, the dealer shall not undertake the diagnosing or repairing of any  
7 malfunction of the motor vehicle for compensation unless the dealer has complied with all of the  
8 following conditions:

9 (1) The dealer has prepared a work order stating the written estimated price for labor and  
10 parts, as specified in subsection (a) or (b), necessary to repair the motor vehicle; and

11 (2) By telephone, fax or e-mail, the customer has been given all of the information on the  
12 work order and the customer has approved the work order; and

13 (3) The customer has given oral, written or electronic authorization to the dealer to make  
14 the repairs and the dealer has documented the authorization as provided in subsection (c) and  
15 Section 9884.9 of the Business and Professions Code.

16 Any charge for parts or labor in excess of the original written estimated price must be  
17 separately authorized by the customer and documented by the dealer, as provided in subsection  
18 (c) and Section 9884.9 of the Business and Professions Code.

19 (h) Definitions. As used in this section, "written" shall mean the communication of  
20 information in writing, other than by electronic means; "oral" shall mean the oral communication  
21 of information either in person or telephonically; "electronic" shall mean the communication of  
22 information by facsimile transmission (fax) or electronic mail (e-mail).

23 12. California Code of Regulations, Title 16, section **3356**, states, in pertinent part:

24 (a) All invoices for service and repair work performed, and parts supplied, as provided for  
25 in Section 9884.8 of the Business and Professions Code, shall comply with the following:

26  
27 (2) The invoice shall separately list, describe and identify all of the following:

28 (A) All service and repair work performed, including all diagnostic and warranty work, and



1 the price for each described service and repair.

2 (B) Each part supplied, in such a manner that the customer can understand what was  
3 purchased, and the price for each described part. The description of each part shall state whether  
4 the part was new, used, reconditioned, rebuilt, or an OEM crash part, or a non-OEM aftermarket  
5 crash part.

6 (C) The subtotal price for all service and repair work performed.

7 (D) The subtotal price for all parts supplied, not including sales tax.

8 (E) The applicable sales tax, if any.

9 . . .

10 13. California Code of Regulations, Title 16, section **3358**, states:

11 Each automotive repair dealer shall maintain legible copies of the following records for not  
12 less than three years:

13 (a) All invoices relating to automotive repair including invoices received from other sources  
14 for parts and/or labor.

15 (b) All written estimates pertaining to work performed.

16 (c) All work orders and/or contracts for repairs, parts and labor. All such records shall be  
17 open for reasonable inspection and/or reproduction by the bureau or other law enforcement  
18 officials during normal business hours.

19 14. California Code of Regulations, Title 16, section **3361.1**, states, in pertinent part:

20 The following minimum requirements specifying accepted trade standards for good and  
21 workmanlike rebuilding of automatic transmissions are intended to define terms that have caused  
22 confusion to the public and unfair competition within the automotive repair industry. The term  
23 "automatic transmission" shall also apply to the automatic transmission portion of transaxles for  
24 the purposes of this regulation, unless both the automatic transmission portion and the differential  
25 portion of the transaxle share a common oil supply, in which case the term "automatic  
26 transmission" shall apply to both portions of the transaxle. These minimum requirements shall not  
27 be used to promote the sale of "rebuilt" automatic transmissions when a less extensive and/or less  
28 costly repair is desired by the customer. Any automotive repair dealer who represents to

1 customers that the following sections require the rebuilding of automatic transmissions is subject  
2 to the sanctions prescribed by the Automotive Repair Act. All automotive repair dealers engaged  
3 in the repair, sale, or installation of automatic transmissions in vehicles covered under the Act  
4 shall be subject to the following minimum requirements:

5 (a) Before an automatic transmission is removed from a motor vehicle for purposes of  
6 repair or rebuilding, it shall be inspected. Such inspection shall determine whether or not the  
7 replacement or adjustment of any external part or parts will correct the specific malfunction of the  
8 automatic transmission. In the case of an electronically controlled automatic transmission, this  
9 inspection shall include a diagnostic check, including the retrieval of any diagnostic trouble  
10 codes, of the electronic control module that controls the operation of the transmission. If minor  
11 service and/or replacement or adjustment of any external part or parts and/or of companion units  
12 can reasonably be expected to correct the specific malfunction of the automatic transmission, then  
13 prior to removal of the automatic transmission from the vehicle, the customer shall be informed  
14 of that fact as required by Section 3353 of these regulations. Before removing an automatic  
15 transmission from a motor vehicle, the dealer shall also comply with the provisions of section  
16 3353(d), and disclose any applicable guarantee or warranty as provided in sections 3375, 3376  
17 and 3377 of these regulations. If a diagnostic check of an electronic control module cannot be  
18 completed due to the condition of the transmission, the customer shall be informed of that fact  
19 and a notation shall be made on the estimate, in accordance with Section 3353 of these  
20 regulations.

21 . . .

22 15. California Code of Regulations, Title 16, section **3371**, states, in pertinent part:

23 No dealer shall publish, utter, or make or cause to be published, uttered, or made any false  
24 or misleading statement or advertisement which is known to be false or misleading, or which by  
25 the exercise of reasonable care should be known to be false or misleading. Advertisements and  
26 advertising signs shall clearly show the following: [Text omitted]

27 16. California Code of Regulations, Title 16, section **3371.1**, states:

28 A person shall be deemed to be an automotive repair dealer as defined by subdivision (a) of

1 section 9880.1 of the Business and Professions Code when such person:

2 (a) Solicits or advertises the repair of motor vehicles by telephone directory, newspaper,  
3 periodical, airwave transmission, printed handbill, printed business card, printed poster, or  
4 painted or electric sign, and repairs motor vehicles, or

5 (b) maintains an establishment for the repair of motor vehicles where within or outside the  
6 establishment is a sign, poster, or other representation which might reasonably lead a member of  
7 the public to believe that such establishment performs the repair of motor vehicles, or

8 (c) holds a retail sellers permit when such permit has been acquired for the purpose of, or  
9 has been used for, obtaining parts for the repair of motor vehicles, or

10 (d) holds himself or herself out to the public as an automotive repair dealer and receives a  
11 motor vehicle from the public and transmits or renders control of the motor vehicle to another for  
12 repair.

13 A person will be deemed to be holding himself or herself out to the public as an automotive  
14 repair dealer within the meaning of subdivision (d) above when such person solicits such business  
15 in a manner which might reasonably lead the public to believe that such person is an automotive  
16 repair dealer, or when the person receiving the service is billed on such person's own invoice.

17 17. California Code of Regulations, Title 16, section 3372, states:

18 In determining whether any advertisement, statement, or representation is false or  
19 misleading, it shall be considered in its entirety as it would be read or heard by persons to whom  
20 it is designed to appeal. An advertisement, statement, or representation shall be considered to be  
21 false or misleading if it tends to deceive the public or impose upon credulous or ignorant persons.

22 18. California Code of Regulations, Title 16, section 3373, states, in pertinent part:

23 No automotive repair dealer or individual in charge shall, in filling out an estimate, invoice,  
24 or work order, or record required to be maintained by section 3340.15(f) of this chapter, withhold  
25 therefrom or insert therein any statement or information which will cause any such document to  
26 be false or misleading, or where the tendency or effect thereby would be to mislead or deceive  
27 customers, prospective customers, or the public.

28 19. California Code of Regulations, Title 16, section 3374, states:

1 No dealer shall advertise, represent, or in any manner imply that a used, rebuilt or  
2 reconditioned part or component is new unless such part and all of the parts of any component are  
3 in fact new.

4 20. California Code of Regulations, Title 16, section 3376, states:

5 All guarantees shall be in writing and a legible copy thereof shall be delivered to the  
6 customer with the invoice itemizing the parts, components, and labor represented to be covered  
7 by such guarantee. A guarantee shall be deemed false and misleading unless it conspicuously and  
8 clearly discloses in writing the following:

9 (a) The nature and extent of the guarantee including a description of all parts,  
10 characteristics or properties covered by or excluded from the guarantee, the duration of the  
11 guarantee and what must be done by a claimant before the guarantor will fulfill his obligation  
12 (such as returning the product and paying service or labor charges).

13 (b) The manner in which the guarantor will perform. The guarantor shall state all conditions  
14 and limitations and exactly what the guarantor will do under the guarantee, such as repair,  
15 replacement or refund. If the guarantor or recipient of the guarantee has an option as to what may  
16 satisfy the guarantee, this must be clearly stated.

17 (c) The guarantor's identity and address shall be clearly revealed in any documents  
18 evidencing the guarantee.

#### 19 COST RECOVERY

20 21. Code section 125.3 provides, in pertinent part, that a Board may request the  
21 administrative law judge to direct a licensee found to have committed a violation or violations of  
22 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
23 enforcement of the case.

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1 had performed a Level 2 Multi-Point Check.

2 **TENTH CAUSE FOR DISCIPLINE**

3 (Failure to Provide Estimate)

4 38. Respondent's registration is subject to discipline under Code sections 9884.7(a)(6)  
5 and 9884.9(a), and under California Code of Regulations, Title 16, section 3353(a), in that  
6 Respondent failed to provide the consumer with a written estimated price to diagnose and repair  
7 the transmission malfunction.

8 **ELEVENTH CAUSE FOR DISCIPLINE**

9 (Failure to Document Authorization)

10 39. Respondent's registration is subject to discipline under Code sections 9884.7(a)(6)  
11 and 9884.9(a), and under California Code of Regulations, section 3353(c)(1), in that Respondent  
12 failed to properly document the additional authorization for repairs to the vehicle.

13 ///

14 ///

15 ///

16 **1994 Nissan Sentra**

17 40. On or about December 1, 2014, BR took his 1994 Nissan Sentra to Respondent for  
18 diagnosis and repair. Respondent AAMCO recommended replacement of the transmission with a  
19 used transmission. BR agreed to this repair, at a cost of \$2,000.00. Immediately after the repair  
20 was complete, the vehicle developed electrical system problems.

21 41. BR took the vehicle back to Respondent, which then conducted an inadequate  
22 assessment of the vehicle's electrical system and could not locate the source of the problem.  
23 Subsequently, inspection of the vehicle by an independent shop revealed that the electrical system  
24 malfunction had been caused by an electrical short inside of the transmission that Respondent  
25 had installed, indicating that Respondent did not actually conduct the diagnostic and repair work  
26 that it claimed to have performed.

27 42. Respondent failed to document on an invoice all of the work that had been performed  
28 on the vehicle.



1 **TWELFTH CAUSE FOR DISCIPLINE**

2 (Untrue or Misleading Statements, Fraud)

3 43. Respondent's registration is subject to disciplinary action under Code section 9884.7,  
4 subsections (a)(1), (a)(4) and (a)(6), and under California Code of Regulations, Title 16, sections  
5 3356, 3361.1, 3371, 3373 and 3374, in that Respondent made untrue and/or misleading  
6 statements, both orally and in invoices, and/or committed fraud, and falsely represented that it had  
7 rebuilt a vehicle component, as set forth above in paragraphs 40-42.

8 **THIRTEENTH CAUSE FOR DISCIPLINE**

9 (Failure to Document Work Performed)

10 44. Respondent's registration is subject to discipline under Code sections 9884.7(a)(6)  
11 and 9884.8, and under California Code of Regulations, Title 16, section 3356, in that Respondent  
12 performed work on the vehicle which Respondent failed to record on an invoice, as set forth  
13 above in paragraphs 40-42.

14 **FOURTEENTH CAUSE FOR DISCIPLINE**

15 (Failure to Document Authorization)

16 45. Respondent's registration is subject to discipline under Code sections 9884.7(a)(6)  
17 and 9884.8, and under California Code of Regulations, section 3353(c)(1), in that Respondent  
18 failed to properly document the additional authorization for repairs to the vehicle.

19 **2002 Kia Optima**

20 46. On or about October 22, 2014, NP brought her 2002 Kia Optima to Respondent for  
21 assessment of an illuminated MIL and for replacement of the vehicle's alternator. Respondent  
22 provided NP with a written estimate for the work, but the estimate failed to describe the specific  
23 work to be performed on the vehicle. Respondent failed to obtain NP's written authorization to  
24 perform the invoiced work on the vehicle.

25 47. Soon after this initial repair work was performed, the vehicle displayed new  
26 malfunctions. Respondent performed additional diagnostic work on the vehicle and performed  
27 additional repair work including, but not limited to, replacing the alternator belt. Respondent  
28 failed to adequately document the additional work performed on an invoice.

1 **FIFTEENTH CAUSE FOR DISCIPLINE**

2 (Failure to Provide Estimate)

3 48. Respondent's registration is subject to discipline under Code sections 9884.7(a)(6)  
4 and 9884.9(a), and pursuant to California Code of Regulations, Title 16, section 3353(a), in that  
5 Respondent failed to provide NP with an estimated price to diagnose the malfunction, as set forth  
6 above in paragraphs 46-47.

7 **SIXTEENTH CAUSE FOR DISCIPLINE**

8 (Failure to Document Authorization)

9 49. Respondent's registration is subject to discipline under Code sections 9884.7(a)(6)  
10 and 9884.9, and under California Code of Regulations, section 3353(c)(1), in that Respondent  
11 failed to properly document the additional authorization for repairs, as set forth above in  
12 paragraphs 46-47.

13 **SEVENTEENTH CAUSE FOR DISCIPLINE**

14 (Failure to Document Work Performed)

15 50. Respondent's registration is subject to discipline under Code sections 9884.7(a)(6)  
16 and 9884.8, and under California Code of Regulations, Title 16, section 3356, in that Respondent  
17 performed work on the vehicle which Respondent failed to record on an invoice, as set forth  
18 above in paragraphs 46-47.

19 ///

20 **1998 Mitsubishi Eclipse**

21 51. On or about September 13, 2013, CV brought his 1998 Mitsubishi Eclipse to  
22 Respondent for diagnosis of transmission malfunction. Respondent diagnosed the problem, and  
23 rebuilt the vehicle's transmission at a cost of \$3,009.38. The repair, which Respondent promised  
24 would take a matter of a few days, took approximately five months. Respondent's written  
25 estimate failed to state with specificity the work to be performed. Respondent failed to obtain  
26 CV's authorization in advance of performing work on the vehicle.

27 52. Soon after the work was completed, the transmission failed and required additional  
28 repair. The transmission failed, and required additional work, a second time soon after the first

1 repair. Without explanation or authorization, Respondent replaced the vehicle's ECM and TCM  
2 systems. The second set of repairs failed to remedy the transmission's problems.

3 **EIGHTEENTH CAUSE FOR DISCIPLINE**

4 (Failure to Provide Estimate)

5 53. Respondent's registration is subject to discipline under Code sections 9884.7(a)(6)  
6 and 9884.9(a), and pursuant to California Code of Regulations, Title 16, section 3353(a), in that  
7 Respondent failed to provide the Bureau operator with an estimated price to diagnose the  
8 transmission malfunction and failed to properly document additional authorization for repairs to  
9 the vehicle, as set forth above in paragraphs 51-52.

10 **NINETEENTH CAUSE FOR DISCIPLINE**

11 (Failure to Document Authorization)

12 54. Respondent's registration is subject to discipline under Code sections 9884.7(a)(6)  
13 and 9884.9, and under California Code of Regulations, section 3353(c)(1), in that Respondent  
14 failed to properly document the additional authorization for repairs, as set forth above in  
15 paragraphs 51-52.

16 **TWENTIETH CAUSE FOR DISCIPLINE**

17 (Departure from Trade Standards)

18 55. Respondent's registration is subject to disciplinary action under Code section 9884.7,  
19 subsections (a)(6) and (a)(7), and under California Code of Regulations, Title 16, section 3361.1,  
20 in that it willfully departed from and/or disregarded accepted trade standards for good and  
21 workmanlike repair of an automatic transmission, in a material respect, which was prejudicial to  
22 another, without consent of the owner or the owner's duly authorized representative.

23 **TWENTY-FIRST CAUSE FOR DISCIPLINE**

24 (Failure to Document Work Performed)

25 56. Respondent's registration is subject to discipline under Code sections 9884.7(a)(6)  
26 and 9884.8, and under California Code of Regulations, Title 16, section 3356, in that Respondent  
27 performed work on the vehicle which Respondent failed to record on an invoice, as set forth  
28 above in paragraphs 51-52.

1                                   **TWENTY-SECOND CAUSE FOR DISCIPLINE**

2                                   (Failure to Maintain Copies of Invoices)

3           57.   Respondent's registration is subject to discipline under Code sections 9884.7(a)(6)  
4   and 9884.11, and under California Code of Regulations, Title 16, section 3358, in that  
5   Respondent failed to maintain copies of parts receipts for a new differential for the vehicle.

6                                   **1995 Mazda 626**

7           58.   On or about August 21, 2014, DS brought her 1995 Mazda 626 to Respondent for  
8   repairs. Respondent performed a diagnosis and replaced the Mass Airflow Sensor at a cost of  
9   \$384.00. Afterward, the vehicle's original problems returned almost immediately. DS brought  
10   the vehicle back to Respondent on several occasions, but Respondent did not fix the vehicle.  
11   Respondent charged DS an additional \$102.61 for a "major engine tune-up." The problems  
12   persisted.

13                               **TWENTY-THIRD CAUSE FOR DISCIPLINE**

14                               (Failure to Document Authorization)

15           59.   Respondent's registration is subject to discipline under Code sections 9884.7(a)(6)  
16   and 9884.9, and under California Code of Regulations, section 3353(c)(1), in that Respondent  
17   failed to properly document the additional authorization for repairs set forth above in paragraph  
18   58.

19                               **TWENTY-FOURTH CAUSE FOR DISCIPLINE**

20                               (Failure to Document Work Performed)

21           60.   Respondent's registration is subject to discipline under Code sections 9884.7(a)(6)  
22   and 9884.8, and under California Code of Regulations, Title 16, section 3356, in that Respondent  
23   performed work on the vehicle which Respondent failed to record on an invoice for the repairs set  
24   forth above in paragraph 58.

25                               **TWENTY-FIFTH CAUSE FOR DISCIPLINE**

26                               (Failure to Maintain Copies of Invoices)

27           61.   Respondent's registration is subject to discipline under Code sections 9884.7(a)(6)  
28   and 9884.11, and under California Code of Regulations, Title 16, section 3358, in that

1 Respondent failed to maintain copies of Invoices 115461 and 115561 regarding the repair set  
2 forth in paragraph 58.

3 **TWENTY-SIXTH CAUSE FOR DISCIPLINE**

4 (Untrue or Misleading Statements, Fraud)

5 62. Respondent's registration is subject to disciplinary action under Code section 9884.7,  
6 subsections (a)(1), (a)(4) and (a)(6), and under California Code of Regulations, Title 16, sections  
7 3356, 3361.1, 3371 and 3373, in that Respondent made untrue and/or misleading statements, both  
8 orally and in invoices, and/or committed fraud, including, but not limited to, falsely stating the  
9 meaning of a DTC 172 code with regard to the repair set forth in paragraph 58.

10 **OTHER MATTERS**

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

16 **PETITION TO REVOKE PROBATION**

17 64. This Petition to Revoke Probation is brought before the Bureau of Automotive  
18 Repair, Department of Consumer Affairs.

19 65. The allegations set forth in paragraphs 1-4 above are incorporated herein by reference  
20 as if fully set forth.

21 **CAUSE TO REVOKE PROBATION**

22 (Failure to Obey All Laws)

23 66. At all times after the effective date of Respondent's probation in Case No. 77/11-50,  
24 Condition Two stated:

25 ***Obey All Laws.** Comply with all statutes, regulations and rules governing automotive*  
26 *inspections, estimates and repairs.*

27 67. Respondent's probation is subject to revocation because Respondent failed to comply  
28 with Probation Condition Two, referenced above, as set forth above in the Causes for Discipline

1 against Respondent. Those allegations are incorporated herein by reference.

2 **PRAYER**

3 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this  
4 Accusation and Petition to Revoke Probation, and that following the hearing, the Director of  
5 Consumer Affairs issue a decision:

6 1. Revoking the probation that was granted by the Bureau of Automotive Repair in Case  
7 No. 77/11-50 and imposing the disciplinary order that was stayed thereby revoking Automotive  
8 Repair Dealer Registration Number ARD 255511, issued to Maxrun Corp., Jeong Hoon Kim,  
9 President/Secretary/Treasurer, dba AAMCO Transmissions, and Automotive Repair Dealer  
10 Registration Number ARD 248462, issued to Maxrun Corp., Jeong Hoon Kim,  
11 President/Treasurer, Jing Jg Lee, Secretary, dba AAMCO Transmission;

12 2. Revoking or suspending Automotive Repair Dealer Registration Number ARD  
13 255511, issued to Maxrun Corp., Jeong Hoon Kim, President/Secretary/Treasurer, dba AAMCO  
14 Transmissions, and Automotive Repair Dealer Registration Number ARD 248462, issued to  
15 Maxrun Corp., Jeong Hoon Kim, President/Treasurer, Jing Jg Lee, Secretary, dba AAMCO  
16 Transmission;

17 3. Ordering Respondents to pay the Director of Consumer Affairs the reasonable costs  
18 of the investigation and enforcement of this case, pursuant to Business and Professions Code  
19 section 125.3; and

20 4. Taking such other and further action as deemed necessary and proper.

21  
22 DATED:

September 30, 2016

Patrick Doraïs

PATRICK DORAIS

Chief

Bureau of Automotive Repair

Department of Consumer Affairs

State of California

Complainant

## **Exhibit A**

**Decision and Order**

**Bureau of Automotive Repair Case No. 77/11-50**