

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

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

MAXRUN CORP.
dba AAMCO TRANSMISSIONS
JEONG HOON KIM,
President/Secretary/Treasurer

Automotive Repair Dealer Registration
No. ARD 255511

and

MAXRUN CORP.
dba AAMCO TRANSMISSIONS
JEONG HOON KIM,
President/Secretary/Treasurer
JING JG LEE, Secretary

Automotive Repair Dealer Registration
No. ARD 248462

Respondents.

Case No. 77/15-15630

OAH No. 2017020271

DECISION

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

This Decision shall become effective

August 30, 2017

DATED: _____

7/25/17



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

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Automotive Repair Dealer Registration
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Respondents.

PROPOSED DECISION

Administrative Law Judge Kirk E. Miller, State of California, Office of Administrative Hearings, heard this matter on May 3, 2017, in Oakland, California.

Jonathan D. Cooper, Deputy Attorney General, represented Complainant Patrick Dorais, Chief, Bureau of Automotive Repair.

No appearance was made by or on behalf of respondent, Jeong Hoon Kim, President/Secretary/Treasurer, of Maxrun Corp. dba AAMCO Transmissions.

The matter was submitted for decision on May 3, 2017.

FACTUAL FINDINGS

1. Patrick Dorais (Complainant) is the Chief of the Bureau of Automotive Repair (Bureau), and brought this action solely in his official capacity.
2. Respondent Maxrun Corp., Jeong Hoon Kim, President/Secretary/Treasurer, dba AAMCO Transmissions was properly served with the Accusation and Notice of Hearing on the Accusation, pursuant to Government Code sections 11505 and 11509. Inasmuch as no appearance was made by or on behalf of respondent, this hearing proceeded by default pursuant to Government Code section 11520.

License History and Prior Discipline

3. On July 14, 2008, the Bureau issued Automotive Repair Dealer Registration Number ARD 255511 to Maxrun Corp., Jeong Hoon Kim, President/Secretary/Treasurer, dba AAMCO Transmissions (respondent). The Automobile Repair Dealer Registration was in full force and effect during the events set forth below, and will expire on July 31, 2017, unless renewed.
4. On January 2, 2007, the Bureau issued Automotive Repair Dealer Registration Number ARD 248462 to Maxrun Corp. dba AAMCO Transmissions, Jeong Hoon Kim, President/Treasurer, and Jing Jg Lee, Secretary. This Automotive Repair Dealer Registration expired on December 31, 2012, and has not been renewed.¹
5. On February 22, 2012, the Bureau filed Accusation No. 77/11-50 against respondent alleging violations of the Automotive Repair Act (Act).² Respondent resolved the violations contained in this Accusation by entering into Settlement and Disciplinary Order No. 77/11-50, effective December 19, 2012 (Disciplinary Order). The Disciplinary Order revoked Automotive Repair Dealer Registrations ARD 255511 and ARD 248462. The revocations were stayed, and respondent was placed on probation for five years on terms and conditions that required respondent to obey all laws and comply with the Act.

¹ Business and Professions Code section 118, subdivision (b), provides that the expiration of a license does not deprive the Bureau of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

² The Automotive Repair Act is found at Business and Professions Code section 9880 et. seq. All statutory references are to the Business and Professions Code unless otherwise specified.

Accusation

6. On September 30, 2016, Complainant issued the Accusation and Petition to Revoke Probation (Accusation and Petition) against respondent. The Accusation and Petition state 26 causes for discipline against respondent, all arising out of consumer complaints about the operation of respondent's AAMCO Transmissions repair shop in Vallejo. The Accusation and Petition also alleges violations of the Disciplinary Order and seeks revocation of respondent's probation.

7. On April 10, 2017, respondent executed an Evidentiary Stipulation in which he agreed that the factual allegations and the Causes for Discipline in the Accusation and Petition were true, and that Complainant could introduce investigative reports at hearing.

CONSUMER COMPLAINTS INVESTIGATED BY THE BUREAU

2006 VOLKSWAGEN JETTA

8. On or about October 31, 2013, respondent rebuilt the transmission on JM's³ 2006 Volkswagen Jetta. The work was done incorrectly, and JM subsequently returned the vehicle to respondent for additional work.

9. Respondent agreed to rebuild the transmission again, but failed to provide JM with a written estimated price or invoice for the job. Respondent also failed to document JM's authorization for the additional work. Respondent failed to document on an invoice the nature and extent of the original and additional work that respondent performed on the vehicle.

2008 CHEVROLET MALIBU

10. On or about January 6, 2014, BD had her 2008 Chevrolet Malibu towed to respondent's shop. Respondent recommended disassembly of the vehicle's transmission for inspection, at a cost of \$680, and represented that the job could be performed within four days.

11. Once BD had agreed to disassembly of the transmission, respondent sublet the disassembly job to another facility without BD's authorization. Respondent did not document BD's authorization for the disassembling.

12. Respondent did not follow teardown, inspection, report and reassemble requirements with regard to this job.

³ Consumer names are withheld to protect privacy.

2006 BUICK LUCERNE

13. On or about February 15, 2014, MC brought her 2006 Buick Lucerne to respondent for diagnosis and repair of transmission issues. Respondent diagnosed the transmission and recommended a rebuild, at a cost of \$4,000. MC authorized the rebuild. Respondent rebuilt the transmission but the transmission problems remained. Respondent was unable to fix the problem. Respondent failed to adequately document the repairs performed on the vehicle.

14. Subsequent investigation revealed that respondent failed to meet the minimum requirements for automatic transmission diagnosis and repair.

1994 NISSAN SENTRA

15. On or about December 1, 2014, BR took his 1994 Nissan Sentra to respondent for diagnosis and repair. Respondent recommended replacement of the transmission with a used transmission. BR agreed to this repair, at a cost of \$2000. Immediately after the repair was complete, the vehicle developed electrical system problems.

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

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

2002 KIA OPTIMA

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

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

1998 MITSUBISHI ECLIPSE

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

21. Soon after the work was completed, the transmission failed and required additional repair. Without explanation or authorization, respondent replaced the vehicle's ECM and TCM systems. The second set of repairs also failed to remedy the transmission's problems.

1995 MAZDA 626

22. On or about August 21, 2014, DS brought her 1995 Mazda 626 to respondent for repairs. Respondent performed a diagnosis and replaced the mass airflow sensor at a cost of \$384. Afterward, the vehicle's original problems returned almost immediately. DS brought the vehicle back to respondent on several occasions, but respondent did not fix the vehicle. Respondent charge DS an additional \$102.61 for a "major engine tune-up." The problems persisted.

Petition to Revoke Probation

23. Probation Condition Two of the Disciplinary Order required respondent to "comply with all statutes, regulations and rules regarding automotive inspections, estimates and repairs."

24. Respondent's probation is subject to revocation because respondent failed to comply with Probation Condition Two.

Other Matters

25. Respondent's conduct as described in Findings 8 through 22 constitutes a course of repeated and willful violations of the laws and regulations pertaining to automotive repair dealers.

Costs

26. Deputy Attorney General Jonathan Cooper submitted a declaration certifying that the Department of Justice has billed the Bureau \$4,685 for work performed in the investigation and prosecution of this matter. These costs are reasonable.

Complainant also submitted a declaration certifying that the Bureau has incurred investigative costs in the amount of \$7,078.20. The certification did not describe the tasks performed, the time associated with individual tasks, or the date on which the work was performed.

LEGAL CONCLUSIONS

Accusation

FIRST CAUSE FOR DISCIPLINE

1. Cause to discipline respondent's registration was established pursuant to Business and Professions Code section 9884.7, subdivision (a)(6), and 9984.9, subdivision (a) (failure to provide estimate and document work performed), by reason of the matters set forth in Findings 8 and 9.⁴

SECOND CAUSE FOR DISCIPLINE

2. Cause to discipline respondent's registration was established pursuant to sections 9884.7, subdivision (a)(6), and 9984.8, and under California Code of Regulations, title 16, section 3353, subdivision (c)(1),⁵ (failure to document authorization) by reason of the matters set forth in Findings 8 and 9.

THIRD CAUSE FOR DISCIPLINE

3. Cause to discipline respondent's registration was established pursuant to sections 9884.7, subdivision (a)(6), and 9984.8, (failure to document work performed) and under CCR section 3356, by reason of the matters set forth in Findings 8 and 9.

FOURTH CAUSE FOR DISCIPLINE

4. Cause to discipline respondent's registration was established pursuant to section 9884.9, subdivision (a), and CCR section 3353, subdivision (d), (failure to follow teardown requirements), by reason of the matters set forth in Findings 10 through 12.

⁴ All statutory references are to the Business and Professions Code unless otherwise indicated.

⁵ All references to the California Code of Regulations are to title 16, and referred to as CCR, unless otherwise indicated.

FIFTH CAUSE FOR DISCIPLINE

5. Cause to discipline respondent's registration was established pursuant to sections 9884.7, subdivision (a)(9), and 9884.9, subdivision (b) (failure to notify of subletting), by reason of the matters set forth in Findings 10 through 12.

SIXTH CAUSE FOR DISCIPLINE

6. Cause to discipline respondent's registration was established pursuant to section 9884.9, subdivision (a), and CCR section 3353, subdivision (c)(1), by reason of the matters set forth in Findings 10 through 12.

SEVENTH CAUSE FOR DISCIPLINE

7. Cause to discipline respondent's registration was established pursuant to section 9884.7, subdivisions (a)(6) and (a)(7), and CCR section 3361.1, (departure from trade standards), by reason of the matters set forth in Findings 13 and 14.

EIGHTH CAUSE FOR DISCIPLINE

8. Cause to discipline respondent's registration was established pursuant to sections 9884.7, subdivision (a)(6), and 9884.8, and under CCR section 3356, by reason of the matters set forth in Findings 13 and 14

NINTH CAUSE FOR DISCIPLINE

9. Cause to discipline respondent's registration was established pursuant to section 9884.7, subdivisions (a)(1), (a)(4), and (a)(6), and CCR sections 3356, 3361.1, 3371, and 3373, (untrue or misleading statements), by reason of the matters set forth in Findings 13 and 14.

TENTH CAUSE FOR DISCIPLINE

10. Cause to discipline respondent's registration was established pursuant to sections 9884.7, subdivision (a)(6) and 9884.9, subdivision (a), and under CCR section 3353, subdivision (a), by reason of the matters set forth in Findings 13 and 14.

ELEVENTH CAUSE FOR DISCIPLINE

11. Cause to discipline respondents registration was established pursuant to sections 9884.7, subdivision (a)(6), and 9984.9, subdivision (a), and under CCR section 3353, subdivision (c)(1), by reason of the matters set forth in Findings 13 and 14.

TWELFTH CAUSE FOR DISCIPLINE

12. Cause to discipline respondent's registration was established pursuant to section 9884.7, subdivisions (a)(1), (a)(4) and (a)(6), and under CCR sections 3356, 3361.1, 3371, 3373 and 3374, by reason of the matters set forth in Findings 15 through 17.

THIRTEENTH CAUSE FOR DISCIPLINE

13. Cause to discipline respondent's registration was established pursuant to sections 9884.7, subdivision (a)(6), and 9884.8, and under CCR section 3356, by reason of the matters set forth in Findings 15 through 17.

FOURTEENTH CAUSE FOR DISCIPLINE

14. Cause to discipline respondent's registration was established pursuant to sections 9884.7 subdivision(a)(6), and 9884.8, and under CCR section 3353, subdivision (c)(1), by reason of the matters set forth in findings 15 through 17.

FIFTEENTH CAUSE FOR DISCIPLINE

15. Cause to discipline respondent's registration was established pursuant to sections 9884.7, subdivision (a)(6), and 9884.9, subdivision(a), and under CCR section 3353, subdivision (a), by reason of the matters set forth in Findings 18 and 19.

SIXTEENTH CAUSE FOR DISCIPLINE

16. Cause to discipline respondent's registration was established pursuant to sections 9884.7, subdivision (a)(6), and 9884.9, and under CCR section 3353, subdivision (c)(1), by reason of the matters set forth in Findings 18 and 19.

SEVENTEENTH CAUSE FOR DISCIPLINE

17. Cause to discipline respondent's registration was established pursuant to sections 9884.7, subdivision (a)(6), and 9884.8, and under CCR section 3356, by reason of the matters set forth in Findings 18 and 19.

EIGHTEENTH CAUSE FOR DISCIPLINE

18. Cause to discipline respondent's registration was established pursuant to sections 9884.7, subdivision (a)(6), and under 9884.9, subdivision (a), and under CCR section 3353, subdivision (a), by reason of the matters set forth in Findings 20 and 21.

NINETEENTH CAUSE FOR DISCIPLINE

19. Cause to discipline respondent's registration was established pursuant to sections 9884.7, subdivision (a)(6), and 9884.9, and under CCR sections 3353, subdivision (c)(1), by reason of the matters set forth in Findings 20 and 21.

TWENTIETH CAUSE FOR DISCIPLINE

20. Cause to discipline respondent's registration was established pursuant to section 9884.7, subsections (a)(6) and (a)(7), and under CCR section 3361.1, by reason of the matters set forth in Findings 20 and 21.

TWENTY-FIRST CAUSE FOR DISCIPLINE

21. Cause to discipline respondent's registration was established pursuant to sections 9884.7, subdivision (a)(6), and 9884.8, and under CCR section 3356, by reason of the matters set forth in Findings 20 and 21.

TWENTY-SECOND CAUSE FOR DISCIPLINE

22. Cause to discipline respondent's registration was established pursuant to sections 9884.7, subdivision (a)(6), (failure to maintain copies of invoices), and 9884.11, and under CCR section 3358, by reason of the matters set forth in Findings 20 and 21.

TWENTY-THIRD CAUSE FOR DISCIPLINE

23. Cause to discipline respondent's registration was established pursuant to sections 9884.7, subdivision (a)(6), and 9884.9, and under CCR section 3353, subdivision (c)(1), by reason of the matters set forth in Finding 22.

TWENTY-FOURTH CAUSE FOR DISCIPLINE

24. Cause to discipline respondent's registration was established pursuant to sections 9884.7, subdivision (a)(6), and 9884.8, and under CCR section 3356, by reason of the matters set forth in Finding 22.

TWENTY-FIFTH CAUSE FOR DISCIPLINE

25. Cause to discipline respondent's registration was established pursuant to sections 9884.7, subdivision (a)(6) and 9884.11, and under CCR section 3358, by reason of the matters set forth in Finding 22.

TWENTY-SIXTH CAUSE FOR DISCIPLINE

26. Cause to discipline respondent's registration was established pursuant to section 9884.7, subsections (a)(1), (a)(4), and (a)(6), and under CCR sections 3356, 3361.1, 3371, and 3373, by reason of the matters set forth in Finding 22.

Petition to Revoke Probation

27. Cause was established to revoke respondent's probation by reason of the matters set forth in Findings 5, and 8 through 25.

Other Matters

28. Pursuant to section 9884.7, subdivision (c): "the director may suspend, revoke, or place on probation the registration for all places of business operated in this state by an automotive repair dealer upon a finding that the automotive repair dealer has, or is, engaged in a course of repeated and willful violations of this chapter, or regulations adopted pursuant to it." By reason of Finding 25, cause exists to discipline respondent's license pursuant to Code section 9884.7, subdivision (c).

Analysis

29. Respondent did not appear at the hearing and presented no evidence. Findings 5, and 8 through 25, establish that the public protection requires the revocation of Auto Repair Dealer Registration Nos. ARD 255511 and ARD 248462, and that respondent's probation be revoked.

Costs

30. Section 125.3 provides that a board may request the administrative law judge to direct a licensee found to have committed a violation or the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case. An agency that seeks to recover its costs must submit declarations "that contain specific and sufficient facts to support findings regarding actual costs incurred and the reasonableness of the costs . . ." (Cal. Code Regs., tit. 1, § 1042.) The declaration or billing records must "describe the general tasks performed, the time spent on each task and the hourly rate or other compensation for the service." (Cal. Code Regs., tit. 1, § 1042, subd. (b).) The cost certification submitted by Complainant's counsel complies with the regulation.

Complainant also submitted a declaration certifying that the Bureau has incurred investigative costs in the amount of \$7,078.20. The certification did not describe the tasks performed, the time associated with individual tasks, or the date on which the work was performed. The declaration does comply with California Code of Regulations, title 1, section 1042, subdivision (b). Reimbursement of the investigative costs cannot be ordered.

31. The case of *Zuckerman v. Board of Chiropractic Examiners* (2002) 29 Cal.4th 32 sets forth the factors to be considered in determining whether a cost award should be less than the actual, reasonable costs. Those factors include whether the licensee has been successful at hearing in getting charges dismissed or reduced, the licensee's subjective good faith belief in the merits of her or her 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. Here, respondent stipulated to the factual allegations and the causes for discipline. The *Zuckerman* factors having been considered, there is no basis to reduce the legal fees the Bureau has requested.

ORDER

License Revocation

1. Automotive Repair Dealer Registration Number ARD 255511 issued to Maxrun Corp., Jeong Hoon Kim, President/Secretary/Treasurer, dba AAMCO Transmissions, is revoked.

2. Automotive Repair Dealer Registration Number ARD 248462 issued to Maxrun Corp., Jeong Hoon Kim, President/Treasurer, dba AAMCO Transmissions, is revoked.

Revocation of Probation

3. The probation that was imposed by the Bureau pursuant to the Disciplinary Order is revoked, and the discipline that was stayed thereby is imposed. Automotive Repair Dealer Registration No. ARD 255511 issued to Maxrun Corp., Jeong Hoon Kim, President/Secretary/Treasurer, dba AAMCO Transmission, and Automotive Repair Dealer Registration No. ARD 248462 issued to Maxrun Corp. dba AAMCO Transmission, Jeong Hoon Kim, President/Treasurer, Jing Jg Lee, Secretary, are revoked.

Other Matters

4. The director may suspend, revoke, or place on probation respondent's registration for all places of business operated by respondent in this state.

Costs

5. Respondent Maxrun Corp., Jeong Hoon Kim, President/Secretary/Treasurer, dba AAMCO Transmissions, shall pay the Bureau's costs of prosecution in the amount of \$4,685, within 30 days of the effective date of this decision.

DATED: May 22, 2017

DocuSigned by:
Kirk Miller
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KIRK E. MILLER
Administrative Law Judge
Office of Administrative Hearings

1 KAMALA D. HARRIS
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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 ///

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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