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

11 In the Matter of the Accusation Against:

Case No. 77/14-28

12 **CALIFORNIA TIRE**  
13 **JACINTO CRUZ, OWNER**  
14 **512 E. Pine Street**  
**Compton, CA 90222-2818**

**A C C U S A T I O N**

15 **MAILING ADDRESS**  
16 **8553 Meadow Road**  
**Downey, CA 90242**

17 **Automotive Repair Dealer Registration No. ARD**  
**139447**  
18 **Smog Check Station License No. RC 139447**  
**Lamp Station License No. LS 139447**  
**Brake Station License No. BS 139447**

19 **JOSE LUIS CRUZ**  
20 **8553 Meadow Road**  
**Downey, CA 90242**

21 **Advanced Emissions Specialist Technician**  
22 **License No. EA 631193 (to be redesignated upon**  
**renewal as EO 631193 and/or EI 631193)**  
23 **Brake Adjuster License No. BA 631193, class C**  
24 **Lamp Adjuster License No. LA 631193, class A**

25 Respondents.

1 Complainant alleges:

2 **PARTIES**

3 1. Patrick Dorais (“Complainant”) brings this Accusation solely in his official capacity as  
4 the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs.

5 **Automotive Repair Dealer Registration ARD 139447**

6 2. On or about May 2, 1988, the Bureau of Automotive Repair issued Automotive  
7 Repair Dealer Registration Number ARD 139447 (“Registration”) to California Tire, Jacinto Cruz  
8 – Owner (“Respondent California Tire”). The Registration was in full force and effect at all times  
9 relevant to the charges brought herein and will expire on April 30, 2014, unless renewed.

10 **Smog Check Station License RC 139447**

11 3. On or about February 9, 2010, the Bureau of Automotive Repair issued Smog Check  
12 Station License Number RC 139447 (“Station License”) to Respondent California Tire. The  
13 Station License was in full force and effect at all times relevant to the charges brought herein and  
14 will expire on April 30, 2014, unless renewed.

15 **Lamp Station License LS 139447**

16 4. On or about June 29, 2010, the Bureau of Automotive Repair issued Lamp Station  
17 License Number LS 139447 (“Lamp Station License”) to Respondent California Tire. The Lamp  
18 Station License was in full force and effect at all times relevant to the charges brought herein and  
19 will expire on April 30, 2014, unless renewed.

20 **Brake Station License BS 139447**

21 5. On or about June 29, 2010, the Bureau of Automotive Repair issued Brake Station  
22 License Number BS 139447 (“Brake Station License”) to Respondent California Tire. The Brake  
23 Station License was in full force and effect at all times relevant to the charges brought herein and  
24 will expire on April 30, 2014, unless renewed.

25 **Advanced Emission Specialist Technician License EA 631193**

26 6. On or about July 20, 2009, the Bureau of Automotive Repair issued Advanced  
27 Emission Specialist Technician License Number EA 631193 (“Technician License”) to Jose Luis  
28 Cruz (“Respondent Jose Cruz”). Respondent Jose Cruz’ Technician License is due to expire on

1 December 31, 2013. Upon timely renewal of the license, the license will be redesignated as EO  
2 631193 and/or EI 631193.<sup>1</sup>

3 **Brake Adjuster License BA 631193, class C**

4 7. On or about February 8, 2010, the Bureau of Automotive Repair issued Brake  
5 Adjuster License Number BA 631193, class C (“Brake Adjuster License”) to Respondent Jose  
6 Luis Cruz. The Brake Adjuster License was in full force and effect at all times relevant to the  
7 charges brought herein and will expire on December 31, 2013, unless renewed.

8 **Lamp Adjuster License LA 631193, class A**

9 8. On or about May 10, 2010, the Bureau of Automotive Repair issued Lamp Adjuster  
10 License Number LA 631193, class A (“Lamp Adjuster License”) to Respondent Jose Luis Cruz.  
11 The Lamp Adjuster License was in full force and effect at all times relevant to the charges brought  
12 herein and will expire on December 31, 2013, unless renewed.

13 **JURISDICTION**

14 9. This Accusation is brought before the Director of Consumer Affairs (“Director”) for  
15 the Bureau of Automotive Repair, under the authority of the following laws.

16 10. Section 9884.7<sup>2</sup> provides that the Director may revoke an automotive repair dealer  
17 registration

18 11. Section 9884.13 provides, in pertinent part, that the expiration of a valid registration  
19 shall not deprive the director or chief of jurisdiction to proceed with a disciplinary proceeding  
20 against an automotive repair dealer or to render a decision invalidating a registration temporarily  
21 or permanently.

22 12. Section 9889.1 provides, in pertinent part, that the Director may suspend or revoke  
23 any license issued under Articles 5 and 6 (commencing with section 9887.1) of the Automotive  
24 Repair Act.

25 <sup>1</sup> Effective August 1, 2012, California Code of Regulations, title 16, sections 3340.28,  
26 3340.39, and 3340.30 were amended to implement a license restructure from the Advanced  
27 Emission Specialist Technician (EA) license and Basic Area (EB) Technician license to Smog  
28 Check Inspector (EO) license and/or Smog Check Repair Technician (EI) license.

<sup>2</sup> All section references are to the Business and Professions Code, unless otherwise  
indicated.



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

4 (2) Causing or allowing a customer to sign any work order which does not  
5 state the repairs requested by the customer or the automobile's odometer reading at  
6 the time of repair.

7 . . . .

8 (4) Any other conduct that constitutes fraud.

9 . . . .

10 (6) Failure in any material respect to comply with the provisions of this chapter  
11 [the Automotive Repair Act (Bus. & Prof. Code, § 9880, et seq.)] or regulations  
12 adopted pursuant to it.

13 . . . .

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

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

25 20. Section 9884.9 states, in pertinent part:

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



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

2 24. Health and Safety Code section 44072.8 states that “[w]hen a license has been  
3 revoked or suspended following a hearing under this article, any additional license issued under  
4 this chapter in the name of the licensee may be likewise revoked or suspended by the director.”

5 **COST RECOVERY**

6 25. Section 125.3 provides, in pertinent part, that a Board may request the administrative  
7 law judge to direct a licentiate found to have committed a violation or violations of the licensing  
8 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the  
9 case.

10 **UNDERCOVER OPERATION #1: MAY 15, 2012**

11 26. On or about May 15, 2012, a Bureau undercover operator drove a Bureau  
12 documented 1987 Chevrolet to Respondent California Tire’s facility and requested a brake and  
13 lamp inspection. The right headlamp was out of adjustment, the rear brake drums were oversized  
14 and exceeded the manufacturer’s discard specification and the license plate lights were non-  
15 operational. Respondent Jose Cruz instructed the operator to sign a work order but the operator  
16 was not given a copy of the estimate.

17 27. Respondent Jose Cruz then drove the vehicle into a bay, placed it on a lift, lifted the  
18 vehicle off the ground and removed one tire. The tire was reinstalled and the vehicle was lowered  
19 to the ground. Respondent Jose Cruz checked the lights and replaced the license plate bulb.  
20 Respondent Jose Cruz also opened the hood. After the work was completed, the operator paid  
21 Respondent Jose Cruz \$60.00 and received copies of an invoice, Certificate of Brake Adjustment  
22 No. [REDACTED] and Certificate of Lamp Adjustment No. [REDACTED]. The operator never  
23 observed Respondent Jose Cruz or anyone else at the facility test drive the vehicle.

24 28. On May 16, 2012, the Bureau inspected the vehicle and found that the defective plate  
25 lamp bulbs had been replaced; however, the right headlamp was still out of adjustment and the rear  
26 brake drums were oversized and exceeded the manufacturer’s discard specification. The brake  
27 certificate indicated that the vehicle was road tested at 20 mph, and it stopped in fifteen feet. In  
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1 fact the vehicle was not road tested. The Bureau also found that three of the four wheels had not  
2 been removed from the vehicle.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Untrue or Misleading Statements)**

5 29. Respondent California Tire's Registration is subject to disciplinary action pursuant to  
6 section 9884.7, subdivision (a)(1), in that on or about May 15, 2012, Respondent California Tire  
7 made or authorized statements which Respondent California Tire knew or in the exercise of  
8 reasonable care should have known to be untrue or misleading, as follows:

9 a. Respondent California Tire certified under penalty of perjury on Brake Certificate No.  
10 [REDACTED] that the applicable inspection was performed on the brake system on the Bureau's  
11 1987 Chevrolet. In fact, Respondent California Tire failed to completely and properly inspect the  
12 brakes on the vehicle.

13 b. Respondent California Tire certified under penalty of perjury on Brake Certificate No.  
14 [REDACTED] that the rear brake drums on the Bureau's 1987 Chevrolet were in a satisfactory  
15 condition. In fact, the rear brake drums were oversized and exceeded the manufacturer's discard  
16 specification.

17 c. Respondent California Tire certified under penalty of perjury on Brake Certificate No.  
18 [REDACTED] that the Bureau's 1987 Chevrolet had a stopping distance of 15 feet from a speed of  
19 20 miles per hour as a result of a road-test. In fact, Respondent California Tire never road tested  
20 the vehicle.

21 d. Respondent California Tire certified under penalty of perjury on Lamp Certificate No.  
22 [REDACTED] that the applicable adjustment had been properly performed on the lighting system on  
23 the Bureau's 1987 Chevrolet. In fact, the right headlamp was out of adjustment.

24 **SECOND CAUSE FOR DISCIPLINE**

25 **(Fraud)**

26 30. Respondent California Tire's Registration is subject to disciplinary action pursuant to  
27 section 9884.7, subdivision (a)(4), in that on or about May 15, 2012, Respondent California Tire  
28 and Respondent Jose Cruz committed acts constituting fraud, as follows: Respondent California

1 Tire and Respondent Jose Cruz obtained payment from the operator for performing the applicable  
2 inspections, adjustments, or repairs of the brake and lighting systems on the Bureau's 1987  
3 Chevrolet as specified by the Bureau and in accordance with the Vehicle Code. In fact,  
4 Respondent California Tire and Respondent Jose Cruz failed to perform the necessary inspections,  
5 adjustments, and repairs in compliance with Bureau Regulations or the Vehicle Code.

6 **THIRD CAUSE FOR DISCIPLINE**

7 **(Failure to Comply with the Business and Professions Code)**

8 31. Respondent California Tire's Registration is subject to disciplinary action pursuant to  
9 section 9884.7, subdivision (a)(6), in that Respondent California Tire failed to comply with section  
10 9889.16 of that Code in the following material respects: Respondent California Tire issued Brake  
11 Certificate No. [REDACTED] and Lamp Certificate No. [REDACTED] to the Bureau's 1987 Chevrolet  
12 when the vehicle was not in compliance with Bureau Regulations or the requirements of the  
13 Vehicle Code.

14 **FOURTH CAUSE FOR DISCIPLINE**

15 **(Violations of Regulations)**

16 32. Respondent California Tire's Registration is subject to disciplinary action pursuant to  
17 section 9884.7, subdivision (a)(6), in that on or about May 15, 2012, Respondent California Tire  
18 failed to comply with provisions of California Code of Regulations, title 16, in the following  
19 material respects:

20 a. **Section 3305, subdivision (a):** Respondent California Tire failed to perform the  
21 inspection of the brake system and inspection and adjustment of the lighting system on the  
22 Bureau's 1987 Chevrolet in accordance with the specifications, instructions, and directives issued  
23 by the Bureau and the vehicle manufacturer.

24 b. **Section 3316, subdivision (d)(2):** Respondent California Tire issued Lamp  
25 Certificate No. [REDACTED] to the Bureau's 1987 Chevrolet when all of the lamps, lighting  
26 equipment, and/or related electrical systems on the vehicle were not in compliance with Bureau  
27 regulations.

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1 c. **Section 3321, subdivision (c)(2)**: Respondent California Tire issued Brake  
2 Certificate No. [REDACTED] to the Bureau's 1987 Chevrolet when the brake system on the vehicle  
3 had not been completely tested or inspected.

4 **FIFTH CAUSE FOR DISCIPLINE**

5 **(Failure to Comply with the Business and Professions Code)**

6 33. Respondent California Tire's Brake Station License and Lamp Station License are  
7 subject to disciplinary action pursuant to section 9889.3, subdivisions (a) and (h), in that  
8 Respondent California Tire violated section 9889.16 relating to his licensed activities, as set forth  
9 in paragraph 31 above.

10 **SIXTH CAUSE FOR DISCIPLINE**

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

12 34. Respondent California Tire's Brake Station License and Lamp Station License are  
13 subject to disciplinary action pursuant to section 9889.3, subdivision (c), in that Respondent  
14 California Tire failed to comply with the provisions of California Code of Regulations, title 16,  
15 sections 3305, subdivision (a), 3316, subdivision (d)(2), 3321, subdivision (c)(2), and 3356,  
16 subdivisions (a)(2)(A) and (a)(2)(B), as set forth in paragraph 32 above.

17 **SEVENTH CAUSE FOR DISCIPLINE**

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

19 35. Respondent California Tire's Brake Station License and Lamp Station License are  
20 subject to disciplinary action pursuant to section 9889.3, subdivision (d), in that Respondent  
21 California Tire committed acts involving dishonesty, fraud, or deceit whereby another was injured,  
22 as set forth in paragraph 30 above.

23 **EIGHTH CAUSE FOR DISCIPLINE**

24 **(Failure to Comply with the Business and Professions Code)**

25 36. Respondent California Tire's Brake Station License and Lamp Station License are  
26 subject to disciplinary action pursuant to section 9889.3, subdivisions (a) and (h), in that  
27 Respondent California Tire violated section 9889.16 relating to his licensed activities, as set forth  
28 in paragraph 31 above.

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**NINTH CAUSE FOR DISCIPLINE**

**(Violations of Regulations)**

37. Respondent California Tire’s Brake Station License and Lamp Station License are subject to disciplinary action pursuant to section 9889.3, subdivision (c), in that Respondent California Tire failed to comply with the provisions of California Code of Regulations, title 16, sections 3305, subdivision (a), 3316, subdivision (d)(2), 3321, subdivision (c)(2), and 3356, subdivisions (a)(2)(A) and (a)(2)(B), as set forth in paragraph 32 above.

**TENTH CAUSE FOR DISCIPLINE**

**(Dishonesty, Fraud or Deceit)**

38. Respondent California Tire’s Station License and Respondent Jose Cruz’ Technician License are subject to disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (d), in that Respondent California Tire and Respondent Jose Cruz committed dishonest, fraudulent, or deceitful acts whereby another is injured, as set forth in paragraph 30 above.

**UNDERCOVER OPERATION #2: October 26, 2012**

39. On or about October 26, 2012, a Bureau undercover operator drove a Bureau documented 2000 Toyota to Respondent California Tire’s facility and requested a brake and lamp inspection. The left headlamp was out of adjustment, the rear brake drums were oversized and not within the manufacturer’s specifications and the back-up lights were non-operational. Respondent Jose Cruz instructed the operator to sign a work order but the operator was not given a copy of the estimate.

40. Respondent Jose Cruz then drove the vehicle into a bay, placed it on a lift, lifted the vehicle off the ground and removed one wheel. Respondent Jose Cruz checked the lights, reinstalled the wheel and lowered the vehicle to the ground. Respondent Jose Cruz informed the operator that the vehicle failed the inspection because the reverse lights were not working and the headlamps were misadjusted. Respondent Jose Cruz asked the operator if he wanted the repairs performed. The operator declined the repairs, paid Respondent Jose Cruz \$53.00 and received the final invoice.

1 41. That same day, the operator returned to the facility and requested the necessary  
2 repairs. The operator did not fill out or sign another work order and did not receive a written  
3 estimate. Respondent Jose Cruz replaced the reverse lights. The operator paid Respondent Jose  
4 Cruz \$27.00 and received of copies of Certificate of Brake Adjustment No. [REDACTED] and  
5 Certificate of Lamp Adjustment No. [REDACTED] but no final receipt. The operator never  
6 observed Respondent Jose Cruz or anyone else at the facility test drive the vehicle.

7 42. On November 1, 2012, the Bureau inspected the vehicle and found that the defective  
8 back-up lights had been replaced; however, while the left headlamp had been adjusted it was still  
9 out of adjustment specification and the rear brake drums were oversized and exceeded the  
10 manufacturer's discard specification. The brake certificate indicated that the vehicle was road  
11 tested at twenty (20) mph, and it stopped in 10 (ten) feet. In fact the vehicle was not road tested.  
12 The Bureau also found that three of the four wheels had not been removed from the vehicle.

13 **ELEVENTH CAUSE FOR DISCIPLINE**

14 **(Untrue or Misleading Statements)**

15 43. Respondent California Tire's Registration is subject to disciplinary action pursuant to  
16 section 9884.7, subdivision (a)(1), in that on or about October 26, 2012, Respondent California  
17 Tire made or authorized statements which Respondent California Tire knew or in the exercise of  
18 reasonable care should have known to be untrue or misleading, as follows:

19 a. Respondent California Tire certified under penalty of perjury on Brake Certificate No.  
20 [REDACTED] that the applicable inspection was performed on the brake system on the Bureau's  
21 2000 Toyota. In fact, Respondent California Tire failed to properly inspect the brakes on the  
22 vehicle.

23 b. Respondent California Tire certified under penalty of perjury on Brake Certificate No.  
24 [REDACTED] that the rear brake drums on the Bureau's 2000 Toyota were in a satisfactory  
25 condition. In fact, the rear brake drums were oversized and exceeded the manufacturer's discard  
26 specification.

27 c. Respondent California Tire certified under penalty of perjury on Brake Certificate No.  
28 [REDACTED] that the Bureau's 2000 Toyota had a stopping distance of 10 feet from a speed of 20

1 miles per hour as a result of a road-test. In fact, Respondent California Tire never road tested the  
2 vehicle.

3 d. Respondent California Tire certified under penalty of perjury on Lamp Certificate No.  
4 [REDACTED] that the applicable adjustment had been properly performed on the lighting system on  
5 the Bureau's 2000 Toyota. In fact, the left headlamp was out of adjustment.

6 **TWELFTH CAUSE FOR DISCIPLINE**

7 **(Fraud)**

8 44. Respondent California Tire's Registration is subject to disciplinary action pursuant to  
9 section 9884.7, subdivision (a)(4), in that on or about October 26, 2012, Respondent California  
10 Tire and Respondent Jose Cruz committed acts constituting fraud, as follows: Respondent  
11 California Tire and Respondent Jose Cruz obtained payment from the operator for performing the  
12 applicable inspections, adjustments, or repairs of the brake and lighting systems on the Bureau's  
13 2000 Toyota as specified by the Bureau and in accordance with the Vehicle Code. In fact,  
14 Respondent California Tire and Respondent Jose Cruz failed to perform the necessary inspections,  
15 adjustments, and repairs in compliance with Bureau Regulations or the Vehicle Code.

16 **THIRTEENTH CAUSE FOR DISCIPLINE**

17 **(Failure to Comply with the Business and Professions Code)**

18 45. Respondent California Tire's Registration is subject to disciplinary action pursuant to  
19 section 9884.7, subdivision (a)(6), in that Respondent California Tire failed to comply with section  
20 9889.16 of the Business and Professions Code in the following material respects: Respondent  
21 California Tire issued Brake Certificate No. [REDACTED] and Lamp Certificate No. [REDACTED] to  
22 the Bureau's 2000 Toyota when the vehicle was not in compliance with Bureau Regulations or the  
23 requirements of the Vehicle Code.

24 **FOURTEENTH CAUSE FOR DISCIPLINE**

25 **(Violations of Regulations)**

26 46. Respondent California Tire's Registration is subject to disciplinary action pursuant to  
27 section 9884.7, subdivision (a)(6), in that on or about October 26, 2012, Respondent California  
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1 Tire failed to comply with provisions of California Code of Regulations, title 16, in the following  
2 material respects:

3 a. **Section 3305, subdivision (a)**: Respondent California Tire failed to perform the  
4 inspection of the brake system and inspection and adjustment of the lighting system on the  
5 Bureau's 2000 Toyota in accordance with the specifications, instructions, and directives issued by  
6 the Bureau and the vehicle manufacturer.

7 b. **Section 3316, subdivision (d)(2)**: Respondent California Tire issued Lamp  
8 Certificate No. [REDACTED] to the Bureau's 2000 Toyota when all of the lamps, lighting  
9 equipment, and/or related electrical systems on the vehicle were not in compliance with Bureau  
10 regulations.

11 c. **Section 3321, subdivision (c)(2)**: Respondent California Tire issued Brake  
12 Certificate No. [REDACTED] to the Bureau's 2000 Toyota when the brake system on the vehicle  
13 had not been completely tested or inspected.

14 **FIFTEENTH CAUSE FOR DISCIPLINE**

15 **(Failure to Comply with the Business and Professions Code)**

16 47. Respondent California Tire's Brake Station License and Lamp Station License are  
17 subject to disciplinary action pursuant to section 9889.3, subdivisions (a) and (h), in that  
18 Respondent California Tire violated section 9889.16 relating to his licensed activities, as set forth  
19 in paragraph 45 above.

20 **SIXTEENTH CAUSE FOR DISCIPLINE**

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

22 48. Respondent California Tire's Brake Station License and Lamp Station License are  
23 subject to disciplinary action pursuant to section 9889.3, subdivision (c), in that Respondent  
24 California Tire failed to comply with the provisions of California Code of Regulations, title 16,  
25 sections 3305, subdivision (a), 3316, subdivision (d)(2), 3321, subdivision (c)(2), and 3356,  
26 subdivisions (a)(2)(A) and (a)(2)(B), as set forth in paragraph 46 above.

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**SEVENTEENTH CAUSE FOR DISCIPLINE**

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

49. Respondent California Tire's Brake Station License and Lamp Station License are subject to disciplinary action pursuant to section 9889.3, subdivision (d), in that Respondent California Tire committed acts involving dishonesty, fraud, or deceit whereby another was injured, as set forth in paragraph 44 above.

**EIGHTEENTH CAUSE FOR DISCIPLINE**

**(Failure to Comply with the Business and Professions Code)**

50. Respondent California Tire's Brake Station License and Lamp Station License are subject to disciplinary action pursuant to section 9889.3, subdivisions (a) and (h), in that Respondent California Tire violated section 9889.16 relating to its licensed activities, as set forth in paragraph 45 above.

**NINETEENTH CAUSE FOR DISCIPLINE**

**(Violations of Regulations)**

51. Respondent California Tire's Brake Station License and Lamp Station License are subject to disciplinary action pursuant to section 9889.3, subdivision (c), in that Respondent California Tire failed to comply with the provisions of California Code of Regulations, title 16, sections 3305, subdivision (a), 3316, subdivision (d)(2), 3321, subdivision (c)(2), and 3356, subdivisions (a)(2)(A) and (a)(2)(B), as set forth in paragraph 46 above.

**TWENTIETH CAUSE FOR DISCIPLINE**

**(Dishonesty, Fraud or Deceit)**

52. Respondent California Tire's Station License and Respondent Jose Cruz' Technician License are subject to disciplinary action pursuant to Health and Safety Code section 44072.2, subdivision (d), in that Respondent California Tire and Respondent Jose Cruz committed dishonest, fraudulent, or deceitful acts whereby another is injured, as set forth in paragraph 44 above.

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**OTHER MATTERS**

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2           53. Pursuant to section 9884.7, subdivision (c), the Director may suspend, revoke or place  
3 on probation the registration for all places of business operated in this state by Respondent  
4 California Tire, Jacinto Cruz – Owner, upon a finding that Respondent California Tire has, or is,  
5 engaged in a course of repeated and willful violations of the laws and regulations pertaining to an  
6 automotive repair dealer.

7           54. Pursuant to Health and Safety Code section 44072.8, if Smog Check Station License  
8 Number RC 139447 issued to Respondent California Tire, Jacinto Cruz – Owner, is revoked or  
9 suspended, any additional license issued under Chapter 5 of the Health and Safety Code in the  
10 name of said licensee may be likewise revoked or suspended by the Director.

11           55. Pursuant to section 9889.9, if Lamp Station License Number LS 139447, issued to  
12 Respondent California Tire, Jacinto Cruz – Owner, is revoked or suspended, any additional license  
13 issued under Articles 5 and 6 of Chapter 20.3 of the Business and Professions Code in the name of  
14 said licensee may be likewise revoked or suspended by the Director.

15           56. Pursuant to section 9889.9, if Brake Station License Number BS 139447, issued to  
16 Respondent California Tire, Jacinto Cruz – Owner, is revoked or suspended, any additional license  
17 issued under Articles 5 and 6 of Chapter 20.3 of the Business and Professions Code in the name of  
18 said licensee may be likewise revoked or suspended by the Director.

19           57. Pursuant to Health and Safety Code section 44072.8, if Advanced Emission Specialist  
20 Technician License Number EA 631193 (to be redesignated upon renewal as EO 631193 and/or  
21 EI 631193) issued to Respondent Jose Luis Cruz, is revoked or suspended, any additional license  
22 issued under Chapter 5 of the Health and Safety Code in the name of said licensee may be likewise  
23 revoked or suspended by the Director.

24           58. Pursuant to Code section 9889.9, if Brake Adjuster License Number BA 631193,  
25 issued to Respondent Jose Luis Cruz, is revoked or suspended, any additional license issued under  
26 Articles 5 and 6 of Chapter 20.3 of the Business and Professions Code in the name of said licensee  
27 may be likewise revoked or suspended by the Director.

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11. Revoking or suspending Lamp Adjuster License Number LA 631193, issued to Respondent Jose Luis Cruz;

12. Revoking or suspending any additional license issued under Articles 5 and 6 of Chapter 20.3 of the Business and Professions Code in the name of Jose Luis Cruz;

13. Ordering Jacinto Cruz and Jose Luis Cruz to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

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

DATED: November 18, 2013



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

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