

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

In the Matter of the Accusation Against:

**HI TECH AUTOMOTIVE
INDERJIT SINGH, OWNER**

128 N. Gateway Drive, #C
Madera, CA 93637-3585

Automotive Repair Dealer Registration No.
ARD 164429
Smog Check Station License No. RC 164429,

INDERJIT SINGH

128 N. Gateway Drive, #C
Madera, CA 93637-3585

Smog Check Inspector License No. EO 132465
Smog Check Repair Technician License No. EI
132465 (formerly Advanced Emission Specialist
Technician License No. EA 132465),

and

STEPHEN JUSTIN DAMM

128 N. Gateway Drive, #C
Madera, CA 93637-3585

Smog Check Inspector License No. EO 154697
Smog Check Repair Technician License No. EI
154697 (formerly Advanced Emission Specialist
Technician License No. EA 154697),

Respondents.

Case No. 79/16-72

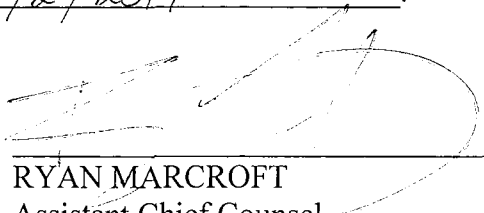
OAH No. 2016070019

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby accepted and adopted as the Decision of the Director of the Department of Consumer Affairs in the above-entitled matter.

This Decision shall become effective 6/2/2017.

DATED: 4/30/2017



RYAN MARCROFT
Assistant Chief Counsel
Division of Legal Affairs
Department of Consumer Affairs

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Attorney General of California
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7 *Attorneys for Complainant*

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. 79/16-72

12 **HI TECH AUTOMOTIVE**
13 **INDERJIT SINGH, OWNER**
14 **128 N. Gateway Drive, #C**
Madera, CA 93637-3585

OAH No. 2016070019

STIPULATED SETTLEMENT
AND DISCIPLINARY ORDER

15 **Automotive Repair Dealer Reg. No. ARD 164429**
16 **Smog Check Station License No. RC 164429,**

17 **INDERJIT SINGH**
18 **128 N. Gateway Drive, #C**
Madera, CA 93637-3585

19 **Smog Check Inspector License No. EO 132465**
20 **Smog Check Repair Technician License No. EI 132465**
(formerly Advanced Emission Specialist Technician
License No. EA 132465),

21 **and**

22 **STEPHEN JUSTIN DAMM**
23 **128 N. Gateway Drive, #C**
Madera, CA 93637-3585

24 **Smog Check Inspector License No. EO 154697**
25 **Smog Check Repair Technician License No. EI 154697**
(formerly Advanced Emission Specialist Technician
26 **License No. EA 154697)**

27 Respondents.

1 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
2 entitled proceedings that the following matters are true:

3 **PARTIES**

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

6 **Hi Tech Automotive; Inderjit Singh, Owner**

7 2. In or about 1992, the Director of Consumer Affairs ("Director") issued Automotive
8 Repair Dealer Registration Number ARD 164429 ("registration") to Inderjit Singh ("Respondent
9 Singh"), owner of Hi Tech Automotive. The registration was in full force and effect at all times
10 relevant to the charges brought herein and will expire on January 31, 2017, unless renewed.

11 3. On or about June 1, 1992, the Director issued Smog Check Station License Number
12 RC 164429 to Respondent Singh. The smog check station license was in full force and effect at
13 all times relevant to the charges brought herein and will expire on January 31, 2017, unless
14 renewed.

15 **Inderjit Singh**

16 4. In or about 1999, the Director issued Advanced Emission Specialist Technician
17 License Number EA 132465 to Respondent Singh. Respondent's advanced emission specialist
18 technician license was due to expire on September 30, 2012. Pursuant to California Code of
19 Regulations, title 16, section 3340.28, subdivision (e), the license was renewed, pursuant to
20 Respondent's election, as Smog Check Inspector License Number EO 132465 and Smog Check
21 Repair Technician License Number EI 132465 ("technician licenses") effective August 15, 2012.¹
22 Respondent's technician licenses will expire on September 30, 2018, unless renewed.

23 **Stephen Justin Damm**

24 5. In or about 2007, the Director issued Advanced Emission Specialist Technician
25

26 ¹ Effective August 1, 2012, California Code of Regulations, title 16, sections 3340.28,
27 3340.29, and 3340.30 were amended to implement a license restructure from the Advanced
28 Emission Specialist Technician (EA) license and Basic Area (EB) Technician license to Smog
Check Inspector (EO) license and/or Smog Check Repair Technician (EI) license.

1 License Number EA 154697 to Stephen Justin Damm ("Respondent Damm"). Respondent's
2 advanced emission specialist technician license was due to expire on November 30, 2013.
3 Pursuant to California Code of Regulations, title 16, section 3340.28, subdivision (e), the license
4 was renewed, pursuant to Respondent's election, as Smog Check Inspector License Number EO
5 154697 and Smog Check Repair Technician License Number EI 154697 ("technician licenses")
6 effective October 14, 2013. Respondent's technician licenses will expire on November 30, 2017,
7 unless renewed.

8 JURISDICTION

9 1. Accusation No. 79/16-72 was filed before the Director, and is currently pending
10 against Respondents. The Accusation and all other statutorily required documents were properly
11 served on Respondents on March 7, 2016. Respondents timely filed their Notices of Defense
12 contesting the Accusation.

13 2. A copy of Accusation No. 79/16-72 is attached as exhibit A and incorporated herein
14 by reference.

15 ADVISEMENT AND WAIVERS

16 3. Respondents have carefully read, fully discussed with counsel, and understand the
17 charges and allegations in Accusation No. 79/16-72. Respondents have also carefully read, fully
18 discussed with counsel, and understand the effects of this Stipulated Settlement and Disciplinary
19 Order.

20 4. Respondents are fully aware of their legal rights in this matter, including the right to a
21 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
22 the witnesses against them; the right to present evidence and to testify on their own behalf; the
23 right to the issuance of subpoenas to compel the attendance of witnesses and the production of
24 documents; the right to reconsideration and court review of an adverse decision; and all other
25 rights accorded by the California Administrative Procedure Act and other applicable laws.

26 5. Respondents voluntarily, knowingly, and intelligently waive and give up each and
27 every right set forth above.

28 ///

1 CULPABILITY

2 6. Respondents admits the truth of each and every charge and allegation in Accusation
3 No. 79/16-72.

4 7. Respondent Singh agrees that his Automotive Repair Dealer Registration, Smog
5 Check Station License and Advanced Emission Specialist Technician License are subject to
6 discipline and he agrees to be bound by the Director's probationary terms as set forth in the
7 Disciplinary Order below.

8 8. Respondent Damm agrees that his Advanced Emission Specialist Technician License
9 is subject to discipline and he agrees to be bound by the Director's probationary terms as set forth
10 in the Disciplinary Order below.

11 CONTINGENCY

12 9. This stipulation shall be subject to approval by the Director of Consumer Affairs or
13 the Director's designee. Respondents understand and agree that counsel for Complainant and the
14 staff of the Bureau of Automotive Repair may communicate directly with the Director and staff of
15 the Department of Consumer Affairs regarding this stipulation and settlement, without notice to
16 or participation by Respondents or their counsel. By signing the stipulation, Respondents
17 understand and agree that they may not withdraw their agreement or seek to rescind the
18 stipulation prior to the time the Director considers and acts upon it. If the Director fails to adopt
19 this stipulation as the Decision and Order, the Stipulated Settlement and Disciplinary Order shall
20 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
21 between the parties, and the Director shall not be disqualified from further action by having
22 considered this matter.

23 10. The parties understand and agree that Portable Document Format (PDF) and facsimile
24 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
25 signatures thereto, shall have the same force and effect as the originals.

26 11. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
27 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
28 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,

1 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
2 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
3 writing executed by an authorized representative of each of the parties.

4 12. In consideration of the foregoing admissions and stipulations, the parties agree that
5 the Director may, without further notice or formal proceeding, issue and enter the following
6 Disciplinary Order:

7 **DISCIPLINARY ORDER**

8 IT IS HEREBY ORDERED that Automotive Repair Dealer Registration Number ARD
9 164429 and Smog Check Station License Number RC 164429 issued to Respondent Hi Tech
10 Automotive; Inderjit Singh, Owner, and Smog Check Inspector License Number EO 132465 and
11 Smog Check Repair Technician License EI 132465 issued to Inderjit Singh, and Smog Check
12 Inspector License Number EO 154697 and Smog Check Repair Technician License Number EI
13 154697 issued to Stephen Justin Damm are revoked. However, the revocations are stayed and
14 Respondents are placed on probation for five (5) years on the following terms and conditions.

15 1. **Actual Suspension.** Automotive Repair Dealer Registration No. ARD 164429 issued
16 to Respondent Singh is suspended for fifteen (15) consecutive days beginning on the effective
17 date of the decision.

18 Smog Check Station License Number RC 164429 issued to Respondent Singh is suspended
19 for fifteen (15) consecutive days beginning on the effective date of the decision.

20 Smog Check Inspector License Number EO 132465 and Smog Check Repair Technician
21 License EI 132465 issued to Respondent Singh are suspended for fifteen (15) consecutive days
22 beginning on the effective date of the decision.

23 Smog Check Inspector License Number EO 154697 and Smog Check Repair Technician
24 License Number EI 154697 issued to Respondent Damm are suspended for fifteen (15)
25 consecutive days beginning on the effective date of the decision.

26 2. **Obey All Laws.** During the period of probation, Respondents shall comply with all
27 federal and state statutes, regulations, and rules governing all BAR registrations and licenses held
28 by Respondents.

1 3. **Posting of Sign.** During the period of suspension, Respondents shall prominently
2 post a sign or signs, provided by BAR, indicating the beginning and ending dates of the
3 suspension and indicating the reason for the suspension. The sign or signs shall be conspicuously
4 displayed in a location or locations open to and frequented by customers. The location(s) of the
5 sign(s) shall be approved by BAR and shall remain posted during the entire period of actual
6 suspension.

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

11 5. **Report Financial Interest.** Respondents shall, within 30 days of the effective date
12 of the decision and within 30 days from the date of any request by BAR during the period of
13 probation, report any financial interest which any Respondents or any partners, officers, or
14 owners of the Respondent facility may have in any other business required to be registered
15 pursuant to Section 9884.6 of the Business and Professions Code.

16 6. **Access to Examine Vehicles and Records.** Respondents shall provide BAR
17 representatives unrestricted access to inspect all vehicles (including parts) undergoing repairs, up
18 to and including the point of completion. Respondents shall also provide BAR representatives
19 unrestricted access to all records pursuant to BAR laws and regulations.

20 7. **Tolling of Probation.** If, during probation, either Respondent leaves the jurisdiction
21 of California to reside or do business elsewhere or otherwise ceases to do business in the
22 jurisdiction of California, that Respondent shall notify BAR in writing within 10 days of the dates
23 of departure and return, and of the dates of cessation and resumption of business in California.

24 All provisions of probation other than cost reimbursement requirements, restitution
25 requirements, training requirements, and that Respondent obey all laws, shall be held in abeyance
26 during any period of time of 30 days or more in which Respondent is not residing or engaging in
27 business within the jurisdiction of California. All provision of probation shall recommence on the
28 effective date of resumption of business in California. Any period of time of 30 days or more in

1 which Respondent is not residing or engaging in business within the jurisdiction of California
2 shall not apply to the reduction of this probationary period or to any period of actual suspension
3 not previously completed. Tolling is not available if business or work relevant to the
4 probationary licenses or registration is conducted or performed during the tolling period.

5 **8. Violation of Probation.** If Respondents violate or fail to comply with the terms and
6 conditions of probation in any respect, the Director, after giving notice and opportunity to be
7 heard may set aside the stay order and carry out the disciplinary order provided in the decision.
8 Once Respondents are served notice of BAR's intent to set aside the stay, the Director shall
9 maintain jurisdiction, and the period of probation shall be extended until final resolution of the
10 matter.

11 **9. Maintain Valid License.** Respondents shall, at all times while on probation,
12 maintain current and active registration and licenses with BAR, including any period during
13 which suspension or probation is tolled. If Respondents' registration or licenses are expired at the
14 time the decision becomes effective, the registration or licenses must be renewed by Respondent
15 within thirty (30) days of that date. If Respondents' registration or licenses expire during a term
16 of probation, by operation of law or otherwise, then upon renewal Respondents' registration or
17 licenses shall be subject to any and all terms and conditions of probation not previously satisfied.
18 Failure to maintain a current and active registration and/or license during the period of probation
19 shall also constitute a violation of probation.

20 **10. Cost Recovery.** Respondents are jointly and severally liable for the cost recovery
21 and shall pay BAR \$14,213.04 for the reasonable costs of the investigation and enforcement of
22 case number 79/16-72. Respondents shall make such payments in forty-eight (48) consecutive,
23 equal monthly installments with final payment due twelve (12) months before the termination of
24 probation. Failure to complete payment of cost recovery within this time frame shall constitute a
25 violation of probation which may subject Respondent's registration and licenses to outright
26 revocation; however, the Director or the Director's Bureau of Automotive Repair designee may
27 elect to continue probation until such time as reimbursement of the entire cost recovery amount
28 has been made to the Bureau. Any agreement for a scheduled payment plan shall require full

1 payment to be completed no later than six (6) months before probation terminates. Respondents
2 shall make payment by check or money order payable to the Bureau of Automotive Repair and
3 shall indicate on the check or money order that it is for cost recovery payment for case number
4 79/16-72. Any order for payment of cost recovery shall remain in effect whether or not probation
5 is tolled. BAR reserves the right to pursue any other lawful measures in collecting on the costs
6 ordered and past due, in addition to taking action based upon the violation of probation.

7 **11. Completion of Probation.** Upon successful completion of probation, Respondents'
8 affected registration and licenses will be fully restored or issued without restriction, if
9 Respondents meet all current requirements for registration and licensure and has paid all
10 outstanding fees, monetary penalties, or cost recovery owed BAR.

11 **12. License Surrender.** Following the effective date of a decision that orders a stay of
12 invalidation or revocation, if Respondents cease business operation or are otherwise unable to
13 satisfy the terms and conditions of probation, Respondents may request that the stay be vacated.
14 Such request shall be made in writing to BAR. The Director and the BAR Chief reserve the right
15 to evaluate the Respondents' request and to exercise discretion whether to grant the request or
16 take any other action deemed appropriate or reasonable under the circumstances. Upon formal
17 granting of the request, the Director will vacate the stay order and carry out the disciplinary order
18 provided in the decision.

19 Respondent may not petition the Director for reinstatement of the surrendered registration
20 or licenses or apply for a new registration or license under the jurisdiction of BAR at any time
21 before the date of the originally scheduled completion of probation. If either Respondent applies
22 to BAR for a registration or license at any time after that date, Respondent must meet all current
23 requirements for registration or licensure and pay all outstanding fees or cost recovery owed to
24 BAR and left outstanding at the time of surrender.

25 **13. Training Course.** During the period of probation, Respondents shall attend and
26 successfully complete a BAR-specified and BAR-approved training course in inspection,
27 diagnosis, and/or repair of emission systems failures and engine performance, applicable to the
28 class of license held by the Respondents. Each Respondent shall provide to BAR proof of their

1 enrollment in the course within thirty (30) days of the effective date of the decision, and proof of
2 successful course completion within one hundred and eighty (180) days of the effective date of
3 the decision. Failure to provide proof of enrollment and/or successful course completion to the
4 BAR within the timeframes specified shall constitute a violation of probation, and Respondents
5 shall be prohibited from issuing any certificate of compliance or noncompliance until such proof
6 is received.

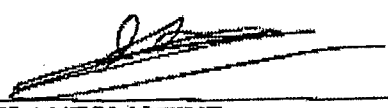
7 Within sixty (60) days of the effective date of the decision, Respondent Singh shall attend a
8 Write it Right presentation provided by a BAR Representative, at the location, date, and time
9 determined by the BAR.

10 14. **Restrictions.** During the period of probation, Respondents shall not perform any
11 form of smog inspection, or emission system diagnosis or repair, until Respondent Facility has
12 purchased, installed, and maintained the diagnostic and repair equipment prescribed by BAR
13 necessary to properly perform such work, and BAR has been given 10 days notice of the
14 availability of the equipment for inspection by a BAR representative.

15 **ACCEPTANCE**

16 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
17 discussed it with my attorney, William D. Ferreira. I understand the stipulation and the effect it
18 will have on my Automotive Repair Dealer Registration, Smog Check Station License, and
19 Advanced Emission Specialist License. I enter into this Stipulated Settlement and Disciplinary
20 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
21 of the Director of Consumer Affairs.

22
23 DATED: 11/14/16

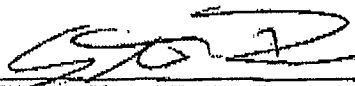

24 HI TECH AUTOMOTIVE;
25 INDERJIT SINGH
26 Respondent

27 ///

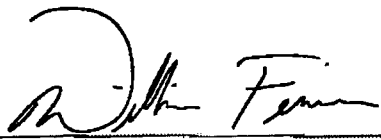
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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, William D. Ferreira. I understand the stipulation and the effect it will have on my Advanced Emission Specialist License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of Consumer Affairs.

DATED: 11/4/16
STEPHEN JUSTIN DAMM
RespondentAPPROVAL AS TO FORM AND CONTENT

I have read and fully discussed with Respondents Inderjit Singh; and Stephen Justin Damm the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 11-4-16
WILLIAM D. FERREIRA
Attorney for RespondentsENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Director of Consumer Affairs

Dated: November 30, 2016

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
JANICE K. LACHMAN
Supervising Deputy Attorney General



KRISTINA L. JARVIS
Deputy Attorney General
Attorneys for ComplainantSA2015105371
12440043.doc

Exhibit A

Accusation No. 79/16-72

1 KAMALA D. HARRIS
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2 JANICE K. LACHMAN
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ACCUSATION

15 Automotive Repair Dealer Reg. No. ARD 164429
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132465 (formerly Advanced Emission Specialist
21 Technician License No. EA 132465),

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25 Smog Check Inspector License No. EO 154697
Smog Check Repair Technician License No. EI
26 154697 (formerly Advanced Emission Specialist
Technician License No. EA 154697)

27 Respondents.
28

1 Complainant alleges:

2 **PARTIES**

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

5 **Hi Tech Automotive; Inderjit Singh, Owner**

6 2. In or about 1992, the Director of Consumer Affairs ("Director") issued Automotive
7 Repair Dealer Registration Number ARD 164429 ("registration") to Inderjit Singh ("Respondent
8 Singh"), owner of Hi Tech Automotive. The registration was in full force and effect at all times
9 relevant to the charges brought herein and will expire on January 31, 2017, unless renewed.

10 3. On or about June 1, 1992, the Director issued Smog Check Station License Number
11 RC 164429 to Respondent Singh. The smog check station license was in full force and effect at
12 all times relevant to the charges brought herein and will expire on January 31, 2017, unless
13 renewed.

14 **Inderjit Singh**

15 4. In or about 1999, the Director issued Advanced Emission Specialist Technician
16 License Number EA 132465 to Respondent Singh. Respondent's advanced emission specialist
17 technician license was due to expire on September 30, 2012. Pursuant to California Code of
18 Regulations, title 16, section 3340.28, subdivision (e), the license was renewed, pursuant to
19 Respondent's election, as Smog Check Inspector License Number EO 132465 and Smog Check
20 Repair Technician License Number EI 132465 ("technician licenses") effective August 15, 2012.¹
21 Respondent's technician licenses will expire on September 30, 2016, unless renewed.

22 **Stephen Justin Damm**

23 5. In or about 2007, the Director issued Advanced Emission Specialist Technician
24 License Number EA 154697 to Stephen Justin Damm ("Respondent Damm"). Respondent's
25 advanced emission specialist technician license was due to expire on November 30, 2013.

26 ¹ Effective August 1, 2012, California Code of Regulations, title 16, sections 3340.28,
27 3340.29, and 3340.30 were amended to implement a license restructure from the Advanced
28 Emission Specialist Technician (EA) license and Basic Area (EB) Technician license to Smog
Check Inspector (EO) license and/or Smog Check Repair Technician (EI) license.

1 Pursuant to California Code of Regulations, title 16, section 3340.28, subdivision (e), the license
2 was renewed, pursuant to Respondent's election, as Smog Check Inspector License Number EO
3 154697 and Smog Check Repair Technician License Number EI 154697 ("technician licenses")
4 effective October 14, 2013. Respondent's technician licenses will expire on November 30, 2017,
5 unless renewed.

6 JURISDICTION

7 6. Business and Professions Code ("Bus. & Prof. Code") section 9884.7 provides that
8 the Director may revoke an automotive repair dealer registration.

9 7. Bus. & Prof. Code section 9884.13 provides, in pertinent part, that the expiration of a
10 valid registration shall not deprive the Director of jurisdiction to proceed with a disciplinary
11 proceeding against an automotive repair dealer or to render a decision temporarily or permanently
12 invalidating (suspending or revoking) a registration.

13 8. Health and Safety Code ("Health & Saf. Code") section 44002 provides, in pertinent
14 part, that the Director has all the powers and authority granted under the Automotive Repair Act
15 for enforcing the Motor Vehicle Inspection Program.

16 9. Health & Saf. Code section 44072.6 provides, in pertinent part, that the expiration or
17 suspension of a license by operation of law, or by order or decision of the Director of Consumer
18 Affairs, or a court of law, or the voluntary surrender of the license shall not deprive the Director
19 of jurisdiction to proceed with disciplinary action.

20 10. Health & Saf. Code section 44072.8 states that when a license has been revoked or
21 suspended following a hearing under this article, any additional license issued under this chapter
22 in the name of the licensee may be likewise revoked or suspended by the director.

23 11. California Code of Regulations, title 16, section 3340.28, subdivision (e), states that
24 "[u]pon renewal of an unexpired Basic Area Technician license or an Advanced Emission
25 Specialist Technician license issued prior to the effective date of this regulation, the licensee may
26 apply to renew as a Smog Check Inspector, Smog Check Repair Technician, or both.

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

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13. Bus. & Prof. Code section 9884.9, subdivision (a), states, in pertinent part:

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1 14. Bus. & Prof. Code section 22, subdivision (a), states:

2 "Board" as used in any provision of this Code, refers to the board in
3 which the administration of the provision is vested, and unless otherwise expressly
4 provided, shall include "bureau," "commission," "committee," "department,"
"division," "examining committee," "program," and "agency."

5 15. Bus. & Prof. Code section 477, subdivision (b), states, in pertinent part, that a
6 "license" includes "registration" and "certificate."

7 16. Health & Saf. Code section 44072.2 states, in pertinent part:

8 The director may suspend, revoke, or take other disciplinary action
9 against a license as provided in this article if the licensee, or any partner, officer, or
director thereof, does any of the following:

10

11 (d) Commits any act involving dishonesty, fraud, or deceit whereby
12 another is injured . . .

13 17. California Code of Regulations, title 16, section 3356 states, in pertinent part:

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

16

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

19 (A) All service and repair work performed, including all diagnostic and
warranty work, and the price for each described service and repair . . .

20 **COST RECOVERY**

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

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1 **UNDERCOVER OPERATION #1: 1996 CHEVROLET**

2 19. On or about January 20, 2015, an undercover operator of the Bureau ("operator")
3 took the Bureau's 1996 Chevrolet to Respondent Singh's ("Singh") facility. The pre-converter
4 oxygen sensor ground circuit wire on the Bureau-documented vehicle had been severed, causing
5 the Malfunction Indicator Lamp ("MIL") to illuminate and the vehicle to fail a smog inspection
6 due to excessive tailpipe emissions. The operator met with Singh and requested a smog
7 inspection. Singh asked for the keys to the vehicle. The operator gave Singh the keys as well as
8 the DMV paperwork. Singh asked the operator to wait in the waiting area. Respondent Damm
9 ("Damm") met with the operator and had her sign a work order, but did not give her a copy.
10 About a half hour later, Damm returned to the waiting room and informed the operator that the
11 vehicle failed the smog inspection. Damm told the operator that a sensor needed to be replaced in
12 order for the vehicle to pass the inspection and noted on a piece of paper that the repairs and
13 inspection would cost \$217. The operator authorized the work and left the facility.

14 20. On or about January 21, 2015, the operator returned to the facility and met with
15 Singh. Singh told the operator that she did not have "the red light" any more as he had fixed it
16 and that he found another "little problem" which he fixed as well. The operator paid Singh \$230
17 and received copies of an invoice and a vehicle inspection report. ("VIR").

18 21. On or about January 30, 2015, the Bureau inspected the vehicle and found that the
19 pre-converter oxygen sensor ground circuit wire had been repaired as invoiced. The Bureau also
20 found that the facility had performed an unnecessary repair, as set forth below.

21 **FIRST CAUSE FOR DISCIPLINE**

22 **(Untrue or Misleading Statements)**

23 22. Respondent Singh's registration is subject to disciplinary action pursuant to Bus. &
24 Prof. Code section 9884.7, subdivision (a)(1), in that Respondent made or authorized statements
25 which he knew or in the exercise of reasonable care should have known to be untrue or
26 misleading, as follows:

27 a. Respondent Singh's smog check technician, Respondent Damm, represented to the
28 operator that a sensor needed to be replaced on the Bureau's 1996 Chevrolet in order for the

1 vehicle to pass the smog inspection. In fact, the only repair necessary on the vehicle was the
2 repair of the severed pre-converter oxygen sensor ground circuit wire. Further, the pre-converter
3 oxygen sensor was new, was within manufacturer's specifications, and was not in need of
4 replacement.

5 b. Respondent Singh falsely represented on the repair invoice that the oxygen sensor
6 (pre-converter oxygen sensor) on the Bureau's 1996 Chevrolet was bad.

7 SECOND CAUSE FOR DISCIPLINE

8 (Fraud)

9 23. Respondent Singh's registration is subject to disciplinary action pursuant to Bus. &
10 Prof. Code section 9884.7, subdivision (a)(4), in that Respondent committed an act that
11 constitutes fraud, as follows: Respondent Singh's smog check technician, Respondent Damm,
12 made a false or misleading representation to the operator regarding the Bureau's 1996 Chevrolet,
13 as set forth in subparagraph 22 (a) above, in order to induce the operator to authorize and pay for
14 an unnecessary repair on the vehicle, then sold the operator the unnecessary repair, the
15 replacement of the pre-converter oxygen sensor.

16 THIRD CAUSE FOR DISCIPLINE

17 (Violations of the Bus. & Prof. Code)

18 24. Respondent Singh's registration is subject to disciplinary action pursuant to Bus. &
19 Prof. Code section 9884.7, subdivision (a)(6), in that Respondent failed to comply with section
20 9884.9, subdivision (a), of that Code in the following material respects:

21 a. Respondent failed to provide the operator with a written estimate for the initial smog
22 inspection on the Bureau's 1996 Chevrolet.

23 b. Respondent repaired the severed pre-converter oxygen sensor ground circuit wire on
24 the Bureau's 1996 Chevrolet without the operator's authorization.

25 FOURTH CAUSE FOR DISCIPLINE

26 (Dishonesty, Fraud or Deceit)

27 25. Respondent Singh's smog check station license is subject to disciplinary action
28 pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent committed

1 dishonest, fraudulent or deceitful acts whereby another is injured, as set forth in paragraphs 22
2 and 23 above.

3 **FIFTH CAUSE FOR DISCIPLINE**

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

5 26. Respondent Damm's technician licenses are subject to disciplinary action pursuant to
6 Health & Saf. Code section 44072.2, subdivision (d), in that Respondent committed dishonest,
7 fraudulent or deceitful acts whereby another is injured, as set forth in paragraphs 22 and 23
8 above.

9 **UNDERCOVER OPERATION #2: 1998 TOYOTA**

10 27. On or about February 25, 2015, an undercover operator of the Bureau ("operator")
11 took the Bureau's 1998 Toyota to Singh's facility and requested a smog inspection. A defective
12 air fuel ("A/F") sensor heater system relay was installed on the Bureau-documented vehicle,
13 causing the MIL to illuminate. A young male employee had the operator sign a work order and
14 gave him a copy. The operator gave the employee the keys to the vehicle and the DMV
15 paperwork, then went to the waiting area. The operator observed Damm perform the smog
16 inspection on the vehicle. Later, Singh met with the operator and informed him that the vehicle
17 failed. Singh told the operator that he would check the vehicle and would let him know later how
18 much it would cost for the repairs. The operator left the facility.

19 28. Later that same day, the operator called the facility and spoke with Singh. Singh told
20 the operator that the vehicle needed a smog sensor. The operator asked Singh how much it would
21 cost to fix the vehicle. Singh stated that the repairs would cost a total of \$400.

22 29. On or about February 26, 2015, the operator returned to the facility to retrieve the
23 vehicle, paid Singh \$400 for the repairs, and received copies of two VIR's and an invoice. The
24 invoice indicated that a new oxygen sensor had been installed on the vehicle.

25 30. On or about March 3, 2015, the Bureau inspected the vehicle and found that the
26 defective A/F sensor heater system relay had been replaced, although that repair was not listed on
27 the invoice. The Bureau also found that the facility had performed an unnecessary repair.

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1 **SIXTH CAUSE FOR DISCIPLINE**

2 **(Untrue or Misleading Statements)**

3 31. Respondent Singh's registration is subject to disciplinary action pursuant to Bus. &
4 Prof. Code section 9884.7, subdivision (a)(1), in that Respondent made or authorized statements
5 which he knew or in the exercise of reasonable care should have known to be untrue or
6 misleading, as follows:

7 a. Respondent represented to the operator that the Bureau's 1998 Toyota needed a smog
8 sensor. In fact, the only repair necessary on the vehicle was the replacement of the defective A/F
9 sensor heater system relay. Further, the original oxygen sensor on the vehicle was new and in
10 good condition and was not in need of replacement.

11 b. Respondent falsely represented on the invoice that the oxygen sensor on the Bureau's
12 1998 Toyota was bad.

13 **SEVENTH CAUSE FOR DISCIPLINE**

14 **(Fraud)**

15 32. Respondent Singh's registration is subject to disciplinary action pursuant to Bus. &
16 Prof. Code section 9884.7, subdivision (a)(4), in that Respondent committed an act that
17 constitutes fraud, as follows: Respondent made a false or misleading representation to the
18 operator regarding the Bureau's 1998 Toyota, as set forth in subparagraph 31 (a) above, in order
19 to induce the operator to authorize and pay for an unnecessary repair on the vehicle, then sold the
20 operator the unnecessary repair, the replacement of the oxygen sensor.

21 **EIGHTH CAUSE FOR DISCIPLINE**

22 **(Violations of Regulations)**

23 33. Respondent Singh's registration is subject to disciplinary action pursuant to Bus. &
24 Prof. Code section 9884.7, subdivision (a)(6), in that Respondent failed to comply with California
25 Code of Regulations, title 16, section 3356, subdivision (a)(2)(A) in a material respect, as
26 follows: Respondent failed to list, identify or describe on the invoice all repairs performed on the
27 Bureau's 1998 Toyota, specifically, the replacement of the defective A/F sensor heater system
28 relay.

1 **NINTH CAUSE FOR DISCIPLINE**

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

3 34. Respondent Singh's smog check station license and technician licenses are subject to
4 disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that
5 Respondent committed dishonest, fraudulent or deceitful acts whereby another is injured, as set
6 forth in paragraphs 31 and 32 above.

7 **UNDERCOVER OPERATION #3: 2001 FORD**

8 35. On or about May 19, 2015, an undercover operator of the Bureau ("operator") took
9 the Bureau's 2001 Ford to Singh's facility. An open wire was created in the output speed sensor
10 (OSS) electrical circuit in the Bureau-documented vehicle, causing the MIL to illuminate. The
11 operator entered the office area and told Singh that she needed a smog inspection on the vehicle.
12 Singh asked the operator for the keys, and she handed him the keys and the DMV paperwork.
13 The operator signed and received a copy of a written estimate for the inspection. Later, Singh
14 told the operator that the vehicle failed the inspection and that he would have to perform a
15 diagnostic at a cost of \$65. The operator authorized the work and left the facility.

16 36. At approximately 1543 hours that same day, the operator received a call from Singh.
17 Singh told the operator that he finished the diagnostics and indicated that the problem was with a
18 sensor. Singh stated that it would cost a total of \$341 for the smog check, diagnostic, sensor, and
19 labor, and that the vehicle should pass the smog inspection with this repair. The operator told
20 Singh that she would call him right back. The operator contacted Singh and authorized the
21 repairs.

22 37. On or about May 21, 2015, the operator returned to the facility to retrieve the vehicle
23 and met with Singh. Singh told the operator that the vehicle passed the after-repairs inspection
24 and that the transmission was good now. The operator paid Singh \$350 and received copies of
25 two VIR's and an invoice. The invoice indicated that a new OSS had been installed in the vehicle
26 as well as new transmission fluid.

27 38. On or about June 10, 2015, the Bureau inspected the vehicle and found that the
28 facility had performed an unnecessary repair.

1 **TENTH CAUSE FOR DISCIPLINE**

2 **(Untrue or Misleading Statements)**

3 39. Respondent Singh's registration is subject to disciplinary action pursuant to Bus. &
4 Prof. Code section 9884.7, subdivision (a)(1), in that Respondent made or authorized statements
5 which he knew or in the exercise of reasonable care should have known to be untrue or
6 misleading, as follows: Respondent represented to the operator that the Bureau's 2001 Ford was
7 in need of a sensor and that the vehicle would pass the smog inspection with this repair. In fact,
8 the only repair needed on the vehicle was the repair of the open wire in the OSS electrical circuit.
9 Further, the OSS was new, was in good condition, and was not in need of replacement.

10 **ELEVENTH CAUSE FOR DISCIPLINE**

11 **(Fraud)**

12 40. Respondent Singh's registration is subject to disciplinary action pursuant to Bus. &
13 Prof. Code section 9884.7, subdivision (a)(4), in that Respondent committed an act that
14 constitutes fraud, as follows: Respondent made a false or misleading representation to the
15 operator regarding the Bureau's 2001 Ford, as set forth in paragraph 39 above, in order to induce
16 the operator to authorize and pay for an unnecessary repair on the vehicle, then sold the operator
17 the unnecessary repair, the replacement of the OSS.

18 **TWELFTH CAUSE FOR DISCIPLINE**

19 **(Violations of the Bus. & Prof. Code)**

20 41. Respondent Singh's registration is subject to disciplinary action pursuant to Bus. &
21 Prof. Code section 9884.7, subdivision (a)(6), in that Respondent failed to comply with section
22 9884.9, subdivision (a), of that Code in the following material respects: Respondent repaired the
23 open wire in the OSS electrical circuit and installed transmission fluid in the Bureau's 2001 Ford
24 without the operator's authorization.

25 **THIRTEENTH CAUSE FOR DISCIPLINE**

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

27 42. Respondent Singh's smog check station license and technician licenses are subject to
28 disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that

1 Respondent committed dishonest, fraudulent or deceitful acts whereby another is injured, as set
2 forth in paragraphs 39 and 40 above.

3 **MATTERS IN AGGRAVATION**

4 43. To determine the degree of discipline, if any, to be imposed on Respondents Singh
5 and Damm, Complainant alleges as follows:

6 **Respondent Singh**

7 a. On or about January 2, 2009, the Bureau issued Citation No. C09-0794 against
8 Respondent Singh in his capacity as the owner of Hi Tech Automotive for violating Health & Saf.
9 Code section 44012, subdivision (f) (failure to determine that emission control devices and
10 systems required by State and Federal law are installed and functioning correctly in accordance
11 with test procedures); and California Code of Regulations, title 16, section ("Regulation")
12 3340.35, subdivision (c) (issuing a certificate of compliance to a vehicle that was improperly
13 tested). On or about December 10, 2008, Respondent issued a certificate of compliance to a
14 Bureau undercover vehicle with the ignition timing adjusted out of specifications. The Bureau
15 assessed civil penalties totaling \$500 against Respondent for the violations. Respondent paid the
16 fine on January 29, 2009.

17 b. On or about April 26, 2012, the Bureau issued Citation No. C2012-1439 against
18 Respondent Singh in his capacity as the owner of Hi Tech Automotive for violating Health & Saf.
19 Code section 44012, subdivision (f) (failure to perform a visual/functional check of emission
20 control devices according to procedures prescribed by the department). On or about March 28,
21 2012, Respondent issued a certificate of compliance to a Bureau undercover vehicle with a
22 missing PCV system. The Bureau assessed a civil penalty of \$1,000 against Respondent for the
23 violation. Respondent paid the fine on June 23, 2012.

24 c. On or about April 26, 2012, the Bureau issued Citation No. M2012-1440 against
25 Respondent Singh's advanced emission specialist technician license for violating Health & Saf.
26 Code section 44032 (qualified technicians shall perform tests of emission control systems and
27 devices in accordance with Health & Saf. Code section 44012). On or about March 28, 2012,
28 Respondent issued a certificate of compliance to a Bureau undercover vehicle with a missing

1 PCV system. Respondent was directed to complete an 8 hour training course and to submit proof
2 of completion to the Bureau within 30 days from receipt of the citation. Respondent completed
3 the training on June 30, 2012.

4 **Respondent Damm**

5 d. On or about January 2, 2009, the Bureau issued Citation No. M09-0795 against
6 Respondent Damm's technician license for violating Health & Saf. Code section 44032 (qualified
7 technicians shall perform tests of emission control systems and devices in accordance with Health
8 & Saf. Code section 44012); and Regulation 3340.30, subdivision (a) (qualified technicians shall
9 inspect, test and repair vehicles in accordance with Health & Saf. Code sections 44012 and 44035
10 and Regulation 3340.42). On or about December 10, 2008, Respondent issued a certificate of
11 compliance to a Bureau undercover vehicle with the ignition timing adjusted out of specifications.
12 Respondent was directed to complete an 8 hour training course and to submit proof of completion
13 to the Bureau within 30 days from receipt of the citation. Respondent completed the training on
14 January 31, 2009.

15 **OTHER MATTERS**

16 44. Pursuant to Bus. & Prof. Code section 9884.7, subdivision (c), the Director may
17 suspend, revoke, or place on probation the registration for all places of business operated in this
18 state by Respondent Inderjit Singh, owner of Hi Tech Automotive, upon a finding that
19 Respondent has, or is, engaged in a course of repeated and willful violations of the laws and
20 regulations pertaining to an automotive repair dealer.

21 45. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Station License
22 Number RC 164429, issued to Respondent Inderjit Singh, owner of Hi Tech Automotive, is
23 revoked or suspended, any additional license issued under this chapter in the name of said
24 licensee may be likewise revoked or suspended by the Director.

25 46. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Inspector License
26 Number EO 132465 and Smog Check Repair Technician License Number EI 132465, issued to
27 Respondent Inderjit Singh, are revoked or suspended, any additional license issued under this
28 chapter in the name of said licensee may be likewise revoked or suspended by the Director.

47. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Inspector License Number EO 154697 and Smog Check Repair Technician License Number EI 154697, issued to Respondent Stephen Justin Damm, are revoked or suspended, any additional license issued under this chapter in the name of said licensee may be likewise revoked or suspended by the Director.

PRAYER

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

1. Revoking or suspending Automotive Repair Dealer Registration Number ARD 164429, issued to Inderjit Singh, owner of Hi Tech Automotive;

2. Revoking or suspending any other automotive repair dealer registration issued to Inderjit Singh;

3. Revoking or suspending Smog Check Station License Number RC 164429, issued to Inderjit Singh, owner of Hi Tech Automotive;

4. Revoking or suspending Smog Check Inspector License Number EO 132465 and Smog Check Repair Technician License Number EI 132465, issued to Inderjit Singh;

5. Revoking or suspending any additional license issued under Chapter 5 of the Health and Safety Code in the name of Inderjit Singh;

6. Revoking or suspending Smog Check Inspector License Number EO 154697 and Smog Check Repair Technician License Number EI 154697, issued to Stephen Justin Damm;

7. Revoking or suspending any additional license issued under Chapter 5 of the Health and Safety Code in the name of Stephen Justin Damm;

8. Ordering Inderjit Singh, individually and as owner of Hi Tech Automotive, and Stephen Justin Damm to pay the Director of Consumer Affairs the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED: March 1, 2016

Patrick Doraïs

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

SA2015105371