

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 STEPHEN S. HANDIN, State Bar No. 71100
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2538
5 Facsimile: (213) 897-2804

6 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:
12 **YOUNG JOO JIN**
13 **DOING BUSINESS AS**
14 **TONY AUTO REPAIR**
14636 S. Western Ave.
Gardena, CA 90249
15 Automotive Repair Dealer Registration
No. AA 187357
16 Official Brake Station License No. BA 187357
17 Official Lamp Station License No. LA 187357
18 and
19 **DONG KEUN JIN**
1830 147th Street
Gardena, CA 90249
20 Brake Adjuster License No. JC 135755-C
21 Lamp Adjuster License No. RY 135755-A
22 Respondents.

Case No. 77/06-57
OAH No. L-2006 080 241
**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER ONLY AS
TO YOUNG JOO JIN DOING
BUSINESS AS TONY AUTO REPAIR**

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

26 PARTIES

27 1. Richard Ross (Complainant) brought this action solely in his then official
28 capacity as the Chief of the Bureau of Automotive Repair. Sherry Mehl who is presently the

1 Chief of the Bureau of Automotive Repair is represented in this matter by Edmund G. Brown Jr.,
2 Attorney General of the State of California, by Stephen S. Handin, Deputy Attorney General.

3 2. Young Joo Jin doing business as Tony Auto Repair (Respondent) is
4 representing himself in this matter.¹

5 **Automotive Repair Dealer Registration**

6 3. On or about January 30, 1996, the Bureau of Automotive Repair (Bureau)
7 issued Automotive Repair Dealer Registration AA187357 (Registration) to Respondent. The
8 registration was in full force and effect at all times relevant to the charges brought herein and will
9 expire on January 31, 2007, unless renewed.

10 **Official Brake Station License**

11 4. On or about January 13, 2003, the Bureau issued Brake Station License
12 No. BA 187357 to Respondent. The Brake Station License was in full force and effect at all
13 times relevant to the charges brought herein and will expire on January 31, 2007, unless renewed.

14 **Official Lamp Station License**

15 5. On or about January 13, 2003, the Bureau issued Lamp Station License
16 No. LA 187357 to Respondent. The Lamp Station License was in full force and effect at all
17 times relevant to the charges brought herein and will expire on January 31, 2007, unless renewed.

18 **JURISDICTION**

19 6. Accusation No. 77/06-57 was filed before the Director of Consumer
20 Affairs (Director), and is currently pending against Respondent. The Accusation and all other
21 statutorily required documents were properly served on Respondent on July 12, 2006.
22 Respondent timely filed his Notice of Defense contesting the Accusation. The Accusation is
23 incorporated herein by reference.

24 **ADVISEMENT AND WAIVERS**

25 7. Respondent has carefully read, and understands the charges and allegations
26 in Accusation No. 77/06-57. Respondent has also carefully read, and fully understands the
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¹Co-Respondent Dong K. Jin is not a party to this Stipulation.

1 Dong K. Jin in the Decision dated February 28, 2007.

2 F. Should Respondent violate probation in any respect, the Director after
3 giving Respondent notice and an opportunity to be heard may revoke probation and carry out the
4 disciplinary order that was stayed. If a Petition to Revoke Probation is filed against Respondent
5 or if the Bureau requests the Attorney General to file such a petition, the Director shall have
6 continuing jurisdiction until the matter is final and the period of probation shall be extended
7 until the matter is final.

8 G. Upon successful completion of probation, Respondent's Automotive
9 Repair Dealer Registration will be fully restored.

10 2. Official Brake Station License No. BA 187357 is revoked.

11 3. Official Lamp Station License No. LA 187357 is revoked.

12 ACCEPTANCE

13 I have carefully read the Stipulated Settlement and Disciplinary Order and I
14 understand the stipulation and the effect it will have on my Automotive Repair Dealer
15 Registration, Official Brake Station License and Official Lamp Station License. I also
16 understand I am free to discuss it with an attorney of my choice, at my expense. I enter into this
17 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree
18 to be bound by the Decision and Order of the Director of Consumer Affairs.

19 DATED: 5 - 28 07

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21 
22 TONY AUTO REPAIR, YOUNG JOO JIN
Respondent

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ENDORSEMENT

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

DATED: June 6, 2007

EDMUND G. BROWN JR., Attorney General
of the State of California



STEPHEN S. HANDLIN
Deputy Attorney General

Attorneys for Complainant

DOJ Matter ID: LA2005600484
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**BEFORE THE
DEPARTMENT OF CONSUMER AFFAIRS
FOR THE BUREAU OF AUTOMOTIVE REPAIR
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**YOUNG JOO JIN
DOING BUSINESS AS
TONY AUTO REPAIR**
14636 S. Western Avenue
Gardena, California 90249

Automotive Repair Dealer Registration
No. AA 187357
Official Brake Station License No. BA 187357
Official Lamp Station License No. LA 187357

and

DONG K. JIN
1830 147th Street
Gardena, California 90249

Brake Adjuster License No. JC 135755-C
Lamp Adjuster License No. RY 135755-A

Respondents.

Case No. 77/06-57
OAH No. L-2006 080 241

**DEFAULT DECISION AND ORDER
AS TO YOUNG JOO JIN DOING
BUSINESS AS TONY AUTO REPAIR
ONLY**

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about June 27, 2006, Complainant Richard Ross, in his official capacity as the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs,
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1 filed Accusation No. 77/06-57 against Young Joo Jin doing business as Tony Auto Repair
2 (Respondent)¹ before the Director of Consumer Affairs.

3 **Automotive Repair Dealer Registration**

4 2. On or about January 30, 1996, the Bureau of Automotive Repair (Bureau)
5 issued Automotive Repair Dealer Registration AA187357 (Registration) to Respondent. The
6 registration was in full force and effect at all times relevant to the charges brought herein and will
7 expire on January 31, 2007, unless renewed.

8 **Official Brake Station License**

9 3. On or about January 13, 2003, the Bureau issued Brake Station License
10 No. BA 187357 to Respondent. The Brake Station License was in full force and effect at all
11 times relevant to the charges brought herein and will expire on January 31, 2007, unless renewed.

12 **Official Lamp Station License**

13 4. On or about January 13, 2003, the Bureau issued Lamp Station License
14 No. LA 187357 to Respondent. The Lamp Station License was in full force and effect at all
15 times relevant to the charges brought herein and will expire on January 31, 2007, unless renewed.

16 5. On or about July 12, 2006, Maria-Elena Hernandez, an employee of the
17 Department of Justice, served by Certified and First Class Mail a copy of the Accusation No.
18 77/06-57, Statement to Respondent, Notice of Defense, Request for Discovery, and Government
19 Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Bureau,
20 which was and is 14636 S. Western Ave., Gardena, CA 90249. Copies of the Accusation, the
21 related documents, and Declaration of Service are incorporated herein by reference.

22 6. Service of the Accusation was effective as a matter of law under the
23 provisions of Business and Professions Code section 124.

24 7. Government Code section 11506 states, in pertinent part:

25 "(c) The respondent shall be entitled to a hearing on the merits if the respondent
26 files a notice of defense, and the notice shall be deemed a specific denial of all parts of the

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1. Co-respondent Dong K. Jin is not subject to this Decision and Order.

1 accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of
2 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

3 8. Respondent timely filed a Notice of Defense and pursuant thereto an
4 administrative hearing was scheduled and duly noticed for November 14, 2006. The Notice of
5 Hearing and its proof of service are incorporated herein by reference. Respondent failed to
6 appear at the hearing.

7 9. Government Code section 11520 states, in pertinent part:

8 "(a) If the respondent either fails to file a notice of defense or to appear at the
9 hearing, the agency may take action based upon the respondent's express admissions or
10 upon other evidence and affidavits may be used as evidence without any notice to
11 respondent."

12 10. Pursuant to its authority under Government Code section 11520, the
13 Director finds Respondent is in default. The Director will take action without further hearing
14 and, based on Respondent's express admissions by way of default and the evidence before her,
15 finds that the allegations in Accusation No. 77/06-57 are true.

16 11. The total costs for investigation and enforcement are \$18,668.33 as of
17 November 13, 2006.

18 DETERMINATION OF ISSUES

19 1. Based on the foregoing findings of fact, Respondent Young Joo Jin has
20 subjected his Automotive Repair Dealer Registration AA187357, Official Lamp Station License
21 No. LA 187357 and Official Brake Station License No. BA 187357 to discipline.

22 2. The agency has jurisdiction to adjudicate this case by default.

23 3. The Director of Consumer Affairs is authorized to invalidate Respondent
24 Young Joo Jin's Automotive Repair Dealer Registration and revoke his Official Brake Station
25 and Official Lamp Station License based upon the following violations alleged in the Accusation:

26 a.. Business and Professions Code section 9884.7, subdivision (a)(1) -
27 misleading statements.

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1 b. Business and Professions Code section 9884.7, subdivision (a)(4) -
2 fraud.

3 c. Business and Professions Code section 9884.7, subdivision (a)(6)
4 in conjunction with Business and Professions Code sections 9884.9, subdivision (a),
5 9889.16, and 9889.22 - Code section violations.

6 d. Business and Professions Code section 9884.7, subdivision (a)(6) -
7 violation of regulations.

8 e. Business and Professions Code section 9884.7, subdivision (a)(2) -
9 no odometer reading on work order.

10 f. Business and Professions Code section 9889.3, subdivisions (a),(c)
11 and (h) - violation of Lamp and Brake Statutes and Regulations.

12 ORDER

13 IT IS SO ORDERED that Automotive Repair Dealer Registration AA187357, is
14 permanently invalidated and Official Lamp Station License No. LA 187357 and Official Brake
15 Station License No. BA 187357 issued to Respondent Young Joo Jin are revoked.

16 Pursuant to Government Code section 11520, subdivision (c), Respondent may
17 serve a written motion requesting that the Decision be vacated and stating the grounds relied on
18 within seven (7) days after service of the Decision on Respondent. The agency in its discretion
19 may vacate the Decision and grant a hearing on a showing of good cause, as defined in the
20 statute.

21 This Decision shall become effective on April 6, 2007.

22 It is so ORDERED February 20, 2007

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24 
25 SHELA BARKER
26 Staff Counsel
27 Department of Consumer Affairs

1 BILL LOCKYER, Attorney General
of the State of California
2 STEPHEN S. HANDIN, State Bar No. 71100
Supervising Deputy Attorney General
3 California Department of Justice
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11 In the Matter of the Accusation Against:	Case No. 77/06-57
12 YOUNG JOO JIN	ACCUSATION
13 DOING BUSINESS AS	
14 TONY AUTO REPAIR	
15 14636 S. Western Avenue	
16 Gardena, California 90249	
17 Automotive Repair Dealer Registration	
18 No. AA 187357	
19 Official Brake Station License No. BA 187357	
20 Official Lamp Station License No. LA 187357	
21 and	
22 DONG K. JIN	
23 1830 147th Street	
24 Gardena, California 90249	
25 Brake Adjuster License No. JC 135755-C	
26 Lamp Adjuster License No. RY 135755-A	
27 Respondents.	

28 Richard Ross ("Complainant") alleges:

PARTIES

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

1 **Automotive Repair Dealer Registration**

2 2. On or about January 30, 1996, the Bureau issued Automotive Repair
3 Dealer Registration No. AA 187357 ("registration") to Young Joo Jin ("Respondent Tony
4 Auto"), doing business as Tony Auto Repair. The registration was delinquent from January 31,
5 1997, to November 18, 1997; January 31, 1998, to February 17, 1998; January 31, 2000, to
6 February 15, 2000; January 31, 2001, to February 15, 2001; and January 31, 2002, to
7 February 15, 2002. The registration will expire on January 31, 2007, unless renewed.

8 **Official Brake Station License**

9 3. On or about January 13, 2003, the Bureau issued Official Brake Station
10 License No. RA 187357 ("brake station license") to Respondent Tony Auto. The brake station
11 license will expire on January 31, 2007, unless renewed.

12 **Official Lamp Station License**

13 4. On or about January 13, 2003, the Bureau issued Official Lamp Station
14 License No. LA 187357 ("lamp station license") to Respondent Tony Auto. The lamp station
15 license will expire on January 31, 2007, unless renewed.

16 **Brake Adjuster License**

17 5. On or about July 8, 2002, the Bureau issued Brake Adjuster License No.
18 JC 135755-C ("brake adjuster license") to Dong K. Jin ("Respondent Jin"). The brake adjuster
19 license was in full force and effect at all times relevant to the charges brought herein and will
20 expire on November 30, 2006, unless renewed.

21 **Lamp Adjuster License**

22 6. On or about September 9, 2002, the Bureau of Automotive Repair issued
23 Lamp Adjuster License No. RY 135755-A to Respondent Jin. The lamp adjuster license was in
24 full force and effect at all times relevant to the charges brought herein and will expire on
25 November 30, 2006, unless renewed.

26 **STATUTORY PROVISIONS**

27 7. Section 9884.7 of the Business and Professions Code ("Code") states, in
28 pertinent part:

1 (a) The director, where the automotive repair dealer cannot show there
2 was a bona fide error, may refuse to validate, or may invalidate temporarily or
3 permanently, the registration of an automotive repair dealer for any of the
4 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.

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

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

10 (4) Any other conduct which constitutes fraud.

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

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

17 (c) Notwithstanding subdivision (b), the director may refuse to validate, or
18 may invalidate temporarily or permanently, the registration for all places of
19 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.

20 8. Code section 9884.8 states:

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

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9. Code section 9884.9 states, in pertinent part:

(a) The automotive repair dealer shall give to the customer a written estimated price for labor and parts necessary for a specific job. No work shall be done and no 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, and shall do either of the following:

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

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

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

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

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

(signature or initials)

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

10. Code section 9884.13 provides, in pertinent part, that the expiration of a valid registration shall not deprive the Director of jurisdiction to proceed with a disciplinary proceeding against an automotive repair dealer or to render a decision invalidating a registration temporarily or permanently.

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

1 12. Code section 9889.7 provides, in pertinent part, that the expiration or
2 suspension of a license by operation of law or by order or decision of the Director or a court of
3 law, or the voluntary surrender of a license shall not deprive the Director of jurisdiction to
4 proceed with any disciplinary proceedings.

5 13. Code section 9889.3 states, in pertinent part:

6 The director may suspend, revoke, or take other disciplinary action against
7 a license as provided in this article [Article 7 (commencing with Code section
8 9889.1) of the Automotive Repair Act] if the licensee or any partner, officer, or
9 director thereof:

10 (a) Violates any section of the Business and Professions Code which
11 relates to his or her licensed activities.

12 (c) Violates any of the regulations promulgated by the director pursuant to
13 this chapter [the Automotive Repair Act].

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

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

18 14. Code section 9889.16 states:

19 Whenever a licensed adjuster in a licensed station upon an inspection or
20 after an adjustment, made in conformity with the instructions of the bureau
21 determines that the lamps or the brakes upon any vehicle conform with the
22 requirements of the Vehicle Code, he shall, when requested by the owner or driver
23 of the vehicle, issue a certificate of adjustment on a form prescribed by the
24 director, which certificate shall contain the date of issuance, the make and
25 registration number of the vehicle, the name of the owner of the vehicle, and the
26 official license of the station.

27 15. Code section 9889.22 states:

28 The willful making of any false statement or entry with regard to a
material matter in any oath, affidavit, certificate of compliance or noncompliance,
or application form which is required by this chapter [the Automotive Repair Act]
or Chapter 5 (commencing with Section 44000) of Part 5 of Division 26 of the
Health and Safety Code constitutes perjury and is punishable as provided in the
Penal Code.

29 16. California Code of Regulations, title 16, section 3305 states, in pertinent
30 part:

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1 (a) Performance Standards. All adjusting, inspecting, servicing, and
2 repairing of brake systems and lamp systems shall be performed in official
3 stations in accordance with current standards, specifications, instructions, and
4 directives issued by the bureau and by the manufacturer of the device or vehicle.

5 17. California Code of Regulations, title 16, section 3316 states, in pertinent
6 part:

7 (d)(2) Inspection of the Entire Lighting System. Where all of the lamps,
8 lighting equipment, and related electrical systems on a vehicle have been
9 inspected and found in compliance with all requirements of the Vehicle Code and
10 bureau regulations, the certificate shall certify that the entire system meets all such
11 requirements.

12 18. California Code of Regulations, title 16, section 3316 states, in pertinent
13 part:

14 (c)(2) Inspection of the Entire Brake System. Where the entire brake
15 system on any vehicle has been inspected or tested and found in compliance with
16 all requirements of the Vehicle Code and bureau regulations, and the vehicle has
17 been road-tested, the certificate shall certify that the entire system meets all such
18 requirements.

19 19. Code section 490 provides, in pertinent part, that a board may suspend or
20 revoke a license when it finds that the licensee has been convicted of a crime substantially related
21 to the qualifications, functions or duties of the business or profession for which the license was
22 issued.

23 20. Code section 477 provides, in pertinent part, that "Board" includes
24 "bureau," "commission," "committee," "department," "division," "examining committee,"
25 "program," and "agency." "License" includes certificate, registration or other means to engage
26 in a business or profession regulated by the Code.

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

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Invoice Violations)**

3 25. Respondent Tony Auto has subjected his registration to discipline under
4 Code section 9884.7, subdivision (a)(6), in that on or about December 23, 2004, he failed to
5 comply with provisions of the following Code sections

6 a. **Section 9884.9, subdivision (a):**

7 i. Respondent Tony Auto failed to provide the operator with a written
8 estimated price for parts and labor for a specific job.

9 ii. Respondent Tony Auto failed to obtain the operator's signed
10 authorization prior to commencement of repairs.

11 b. **Section 9889.16:** Respondent Tony Auto provided the operator with
12 Brake Adjustment Certificate No. BC006463, which did not contain the adjuster's name, license
13 number or signature; and, the station license number or the date of service.

14 c. **Section 9889.22:**

15 i. Respondent Tony Auto issued Lamp Certificate of Adjustment No.
16 LC006015, certifying that the turn signal lights were operational and the headlights had been
17 inspected for aim. In fact, the headlights were out of adjustment and the left front turn signal
18 light was inoperative.

19 ii. Respondent Tony Auto issued Lamp Certificate of Adjustment No.
20 LC006015, certifying that Respondent Jin had inspected the vehicle's lights. In fact, Respondent
21 Jin did not inspect the vehicle's lighting system.

22 iii. Respondent Tony Auto issued Brake Certificate of Adjustment
23 No. BC006463, certifying that the front and rear brake drums and rotors were satisfactory. In
24 fact, the front brake rotors did not meet the manufacturer's specifications for minimum thickness.

25 iv. Respondent Tony Auto issued Brake Certificate of Adjustment No.
26 BC006463, certifying that Respondent Jin had inspected the vehicle's brake system. In fact,
27 Respondent Jin did not inspect the vehicle's brake system.

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1 29 through 32, below. Such crimes are substantially related to the qualifications, functions, and
2 duties of a licensed brake and lamp adjuster.

3 **SEVENTH CAUSE FOR DISCIPLINE**

4 **(Failure to Comply with Code)**

5 29. Respondent Jin has subjected his brake and lamp adjuster licenses to
6 discipline under Code section 9889.3, subdivision (a), in that on or about December 23, 2004, he
7 failed to comply with Code section 9889.22 as follows:

8 a. Respondent Jin issued Lamp Certificate of Adjustment No. LC006015,
9 certifying that the turn signal lights were operational and the headlights had been inspected for
10 aim. In fact, the headlights were out of adjustment and the left front turn signal light was
11 inoperative.

12 b. Respondent Jin issued Lamp Certificate of Adjustment No. LC006015,
13 certifying that he had inspected the vehicle's lights. In fact, Respondent Jin did not inspect the
14 vehicle's lighting system.

15 c. Respondent Jin issued Brake Certificate of Adjustment No. BC006463,
16 certifying that the front and rear brake drums and rotors were satisfactory. In fact, the front brake
17 rotors did not meet the manufacturer's specifications for minimum thickness.

18 d. Respondent Jin issued Brake Certificate of Adjustment No. BC006463,
19 certifying that he had inspected the vehicle's brake system. In fact, Respondent Jin did not
20 inspect the vehicle's brake system.

21 **EIGHTH CAUSE FOR DISCIPLINE**

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

23 30. Respondent Jin has subjected his brake and lamp adjuster licenses to
24 discipline under Code section 9889.3, subdivision (a), in that on or about December 23, 2004, he
25 failed to comply with the provisions of California Code of Regulations, title 16, section 3305,
26 subdivision (c), as follows:

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1 a. Respondent Jin failed to perform the lamp inspection of the 1990 Honda
2 Accord in accordance with current standards, specifications, instructions, and directives issued by
3 the Bureau.

4 b. Respondent Jin failed to perform the brake inspection of the 1990 Honda
5 Accord in accordance with current standards, specifications, instructions, and directives issued by
6 the Bureau.

7 **NINTH CAUSE FOR DISCIPLINE**

8 **(Acts Involving Dishonesty, Fraud or Deceit)**

9 31. Respondent Jin has subjected his brake and lamp adjuster licenses to
10 discipline under Code section 9889.3. subdivision (d), in that on or about December 23, 2004, he
11 committed acts involving dishonesty, fraud or deceit as follows:

12 a. Respondent Jin issued Lamp Certificate of Adjustment No. LC006015,
13 certifying that the turn signal lights were operational and the headlights had been inspected for
14 aim. In fact, the headlights were out of adjustment and the left front turn signal light was
15 inoperative.

16 b. Respondent Jin issued Lamp Certificate of Adjustment No. LC006015,
17 certifying that he had inspected the vehicle's lights. In fact, Respondent Jin did not inspect the
18 vehicle's lighting system.

19 c. Respondent Jin issued Brake Certificate of Adjustment No. BC006463,
20 certifying that the front and rear brake drums and rotors were satisfactory. In fact, the front brake
21 rotors did not meet the manufacturer's specifications for minimum thickness.

22 d. Respondent Jin issued Brake Certificate of Adjustment No. BC006463,
23 certifying that he had inspected the vehicle's brake system. In fact, Respondent Jin did not
24 inspect the vehicle's brake system.

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1 inspected for aim. In fact, the headlights were out of adjustment and the license plate lamp was
2 inoperative.

3 b. Respondent Tony Auto issued Lamp Certificate of Adjustment No.
4 LC006158, certifying that Respondent Jin had inspected the vehicle's lights. In fact, Respondent
5 Jin did not inspect the vehicle's lighting system.

6 c. Respondent Tony Auto issued Brake Certificate of Adjustment No.
7 BC006557, certifying that the front and rear brake rotors and drums were satisfactory. In fact,
8 the front brake rotors did not meet the manufacturer's specifications for minimum thickness.

9 d. Respondent Tony Auto issued Brake Certificate of Adjustment No.
10 BC006557, certifying that Respondent Jin had inspected the vehicle's brake system. In fact,
11 Respondent Jin did not inspect the vehicle's brake system.

12 **TWELFTH CAUSE FOR DISCIPLINE**

13 **(Fraud)**

14 35. Respondent Tony Auto has subjected his registration to discipline under
15 Code section 9884.7, subdivision (a)(4), in that on or about February 2, 2005, he committed
16 fraud when he accepted payment from the operator for the following certificates:

17 a. Respondent Tony Auto issued Lamp Certificate of Adjustment No.
18 LC006158, certifying that the license plate lamp was operational and the headlights had been
19 inspected for aim. In fact, the headlights were out of adjustment and the license plate lamp was
20 inoperative.

21 b. Respondent Tony Auto issued Lamp Certificate of Adjustment No.
22 LC006158, certifying that Respondent Jin had inspected the vehicle's lights. In fact, Respondent
23 Jin did not inspect the vehicle's lighting system.

24 c. Respondent Tony Auto issued Brake Certificate of Adjustment
25 No. BC006557, certifying that the front and rear brake rotors and drums were satisfactory. In
26 fact, the front brake rotors did not meet the manufacturer's specifications for minimum thickness.

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1 d. Respondent Tony Auto issued Brake Certificate of Adjustment No.
2 BC006557, certifying that Respondent Jin had inspected the vehicle's brake system. In fact,
3 Respondent Jin did not inspect the vehicle's brake system.

4 **THIRTEENTH CAUSE FOR DISCIPLINE**

5 **(Failure to Record Current Odometer Reading)**

6 36. Respondent Tony Auto has subjected his registration to discipline under
7 Code section 9884.7, subdivision (a)(2), in that on or about February 2, 2005, Respondent
8 allowed the operator to sign a work order that did not contain the vehicle's current odometer
9 reading.

10 **FOURTEENTH CAUSE FOR DISCIPLINE**

11 **(Invoice Violations)**

12 37. Respondent Tony Auto has subjected his registration to discipline under
13 Code section 9884.7, subdivision (a)(6), in that on or about February 2, 2005, he failed to comply
14 with provisions of the following Code sections:

15 a. **Section 9884.9, subdivision (a):**

16 i. Respondent Tony Auto failed to provide the operator with a written
17 estimated price for parts and labor for a specific job.

18 ii. Respondent Tony Auto failed to obtain the operator's signed
19 authorization prior to commencement of repairs.

20 b. **Section 9889.22:**

21 i. Respondent Tony Auto issued Lamp Certificate of Adjustment No.
22 LC006158, certifying that the license plate lamp was operational and the headlights had been
23 inspected for aim. In fact, the headlights were out of adjustment and the license plate lamp was
24 inoperative.

25 ii. Respondent Tony Auto issued Lamp Certificate of Adjustment
26 No. LC006158, certifying that Respondent Jin had inspected the vehicle's lights. In fact,
27 Respondent Jin did not inspect the vehicle's lighting system.

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1 iii. Respondent Tony Auto issued Brake Certificate of Adjustment No.
2 BC006557, certifying that the front and rear brake rotors and drums were satisfactory. In fact,
3 the front brake rotors did not meet the manufacturer's specifications for minimum thickness.

4 iv. Respondent Tony Auto issued Brake Certificate of Adjustment No.
5 BC006557, certifying that Respondent Jin had inspected the vehicle's brake system. In fact,
6 Respondent Jin did not inspect the vehicle's brake system.

7 **FIFTEENTH CAUSE FOR DISCIPLINE**

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

9 38. Respondent Tony Auto has subjected his registration to discipline under
10 Code section 9884.7, subdivision (a)(6), in that on or about February 2, 2005, he failed to comply
11 with the following sections of California Code of Regulations, title 16:

12 a. **Section 3305, subdivision (a):** Respondent Tony Auto failed to perform
13 the brake and lamp inspections in accordance with current standards, specifications, instructions,
14 and directives issued by the Bureau.

15 b. **Section 3316, subdivision (d)(2):** Respondent Tony Auto failed to
16 inspect the entire lighting system of the 1987 Toyota Camry.

17 c. **Section 3321, subdivision (c)(2):** Respondent Tony Auto failed to
18 inspect the entire brake system of the 1987 Toyota Camry.

19 **SIXTEENTH CAUSE FOR DISCIPLINE**

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

21 39. Respondent Tony Auto has subjected his official brake and lamp station
22 licenses to discipline under Code sections 9889.3, subdivisions (a), (c), and (h), in that on or
23 about February 2, 2005, he committed acts in violation of Code and the California Code of
24 Regulations, title 16, relating to Respondent Tony Auto's licensed activities, as set forth in
25 paragraphs 34 through 38, above.

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1 **SEVENTEENTH CAUSE FOR DISCIPLINE**

2 **(Failure to Comply with Code)**

3 40. Respondent Jin has subjected his lamp and brake adjuster licenses to
4 discipline under Code section 9889.3, subdivision (a), in that on or about February 2, 2005, he
5 failed to comply with Code section 9889.22 as follows:

6 a. Respondent Jin issued Lamp Certificate of Adjustment No. LC006158,
7 certifying that the license plate lamp was operational and the headlights had been inspected for
8 aim. In fact, the headlights were out of adjustment and the license plate lamp was inoperative.

9 b. Respondent Jin issued Lamp Certificate of Adjustment No. LC006158,
10 certifying that he had inspected the vehicle's lights. In fact, Respondent Jin did not inspect the
11 vehicle's lighting system.

12 c. Respondent Jin issued Brake Certificate of Adjustment No. BC006557,
13 certifying that the front and rear brake rotors and drums were satisfactory. In fact, the front brake
14 rotors did not meet the manufacturer's specifications for minimum thickness.

15 d. Respondent Jin issued Brake Certificate of Adjustment No. BC006557,
16 certifying that he had inspected the vehicle's brake system. In fact, Respondent Jin did not
17 inspect the vehicle's brake system.

18 **EIGHTEENTH CAUSE FOR DISCIPLINE**

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

20 41. Respondent Jin has subjected his lamp and brake adjuster licenses to
21 discipline under Code section 9889.3, subdivision (a), in that on or about February 2, 2005, he
22 failed to comply with the provisions of California Code of Regulations, title 16, section 3305,
23 subdivision (c), as follows:

24 a. Respondent Jin failed to perform the lamp inspection of the 1987 Toyota
25 Camry in accordance with current standards, specifications, instructions, and directives issued by
26 the Bureau.

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1 Tony Auto's facility to obtain brake and lamp inspections. The vehicle's rear brake drums were
2 oversized and did not meet the manufacturer's specifications, the headlights were misadjusted,
3 and the back up lights were inoperative because the bulbs were defective. The operator spoke
4 with a male who identified himself as "Tony;" however, "Tony" was later identified as
5 Respondent Jin. The operator requested brake and lamp inspections for a salvage vehicle.
6 Another employee turned the vehicle lights on and checked them. The employee opened the
7 hood of the car. The employee then lifted the vehicle on a hoist and removed and reinstalled the
8 right front and left rear wheels. At that time, Respondent Jin completed Brake Certificate No.
9 BC042337 and Lamp Certificate No. LC041617 and provided the certificates to the operator.
10 The operator paid Jin \$50 and requested an invoice. Respondent Jin did not provide the operator
11 with an invoice. Respondent Jin did not inspect the operator's vehicle.

12 TWENTY-FIRST CAUSE FOR DISCIPLINE

13 (Misleading Statements)

14 45. Respondent Tony Auto has subjected his registration to discipline under
15 Code section 9884.7, subdivision (a)(1), in that on or about April 13, 2005, he made statements
16 which he knew or which by exercise of reasonable care he should have known to be untrue or
17 misleading as follows:

18 a. Respondent Tony Auto issued Lamp Certificate of Adjustment No.
19 LC041617, certifying that the back up lights were operational and the headlights had been
20 inspected for aim. In fact, the headlights were out of adjustment and the back up lights were
21 inoperative.

22 b. Respondent Tony Auto issued Lamp Certificate of Adjustment No.
23 LC041617, certifying that Respondent Jin had inspected the vehicle's lights. In fact, Respondent
24 Jin did not inspect the vehicle's lighting system.

25 c. Respondent Tony Auto issued Brake Certificate of Adjustment No.
26 BC042337, certifying that the front and rear brake rotors and drums were satisfactory. In fact,
27 the rear brake drums were oversized and did not meet the manufacturer's specifications.

28 d. Respondent Tony Auto issued Brake Certificate of Adjustment No.

1 BC042337, certifying that Respondent Jin had inspected the vehicle's brake system. In fact,
2 Respondent Jin did not inspect the vehicle's brake system.

3 **TWENTY-SECOND CAUSE FOR DISCIPLINE**

4 **(Fraud)**

5 46. Respondent Tony Auto has subjected his registration to discipline under
6 Code section 9884.7, subdivision (a)(4), in that on or about April 13, 2005, he committed fraud
7 when he accepted payment from the operator for the following certificates:

8 a. Respondent Tony Auto issued Lamp Certificate of Adjustment No.
9 LC041617, certifying that the back up lights were operational and the headlights had been
10 inspected for aim. In fact, the headlights were out of adjustment and the back up lights were
11 inoperative.

12 b. Respondent Tony Auto issued Lamp Certificate of Adjustment No.
13 LC041617, certifying that Respondent Jin had inspected the vehicle's lights. In fact, Respondent
14 Jin did not inspect the vehicle's lighting system.

15 c. Respondent Tony Auto issued Brake Certificate of Adjustment
16 No. BC042337, certifying that the front and rear brake rotors and drums were satisfactory. In
17 fact, the rear brake drums were oversized and did not meet the manufacturer's specifications.

18 d. Respondent Tony Auto issued Brake Certificate of Adjustment No.
19 BC042337, certifying that Respondent Jin had inspected the vehicle's brake system. In fact,
20 Respondent Jin did not inspect the vehicle's brake system.

21 **TWENTY-THIRD CAUSE FOR DISCIPLINE**

22 **(Invoice Violations)**

23 47. Respondent Tony Auto has subjected his registration to discipline under
24 Code section 9884.7, subdivision (a)(6), in that on or about April 13, 2005, he failed to comply
25 with provisions of the following Code sections

26 a. **Section 9884.8:** Respondent Tony Auto failed to provide the operator
27 with a final invoice.

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1 b. Section 9884.9, subdivision (a):

2 i. Respondent Tony Auto failed to provide the operator with a written
3 estimated price for parts and labor for a specific job.

4 ii. Respondent Tony Auto failed to obtain the operator's signed
5 authorization prior to commencement of repairs.

6 c. Section 9889.22:

7 i. Respondent Tony Auto issued Lamp Certificate of Adjustment No.
8 LC041617, certifying that the back up lights were operational and the headlights had been
9 inspected for aim. In fact, the headlights were out of adjustment and the back up lights were
10 inoperative.

11 ii. Respondent Tony Auto issued Lamp Certificate of Adjustment No.
12 LC041617, certifying that Respondent Jin had inspected the vehicle's lights. In fact, Respondent
13 Jin did not inspect the vehicle's lighting system.

14 iii. Respondent Tony Auto issued Brake Certificate of Adjustment No.
15 BC042337, certifying that the front and rear brake rotors and drums were satisfactory. In fact,
16 the rear brake drums were oversized and did not meet the manufacturer's specifications.

17 iv. Respondent Tony Auto issued Brake Certificate of Adjustment No.
18 BC042337, certifying that Respondent Jin had inspected the vehicle's brake system.
19 In fact, Respondent Jin did not inspect the vehicle's brake system.

20 **TWENTY-FOURTH CAUSE FOR DISCIPLINE**

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

22 48. Respondent Tony Auto has subjected his registration to discipline under
23 Code section 9884.7, subdivision (a)(6), in that on or about April 13, 2005, he failed to comply
24 with the following sections of California Code of Regulations, title 16:

25 a. Section 3305, subdivision (a): Respondent Tony Auto failed to perform
26 the brake and lamp inspections in accordance with current standards, specifications, instructions,
27 and directives issued by the Bureau.

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1 b. Section 3316, subdivision (d)(2): Respondent Tony Auto failed to
2 inspect the entire lighting system of the 1994 Chevrolet S-10 truck.

3 c. Section 3321, subdivision (c)(2): Respondent Tony Auto failed to
4 inspect the entire brake system of the 1994 Chevrolet S-10 truck.

5 **TWENTY-FIFTH CAUSE FOR DISCIPLINE**

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

7 49. Respondent Tony Auto has subjected his official brake and lamp station
8 licenses to discipline under Code sections 9889.3, subdivisions (a), (c), and (h), in that on or
9 about April 13, 2005, he committed acts in violation of the Code and California Code of
10 Regulations, title 16, relating to Respondent Tony Auto's licensed activities, as set forth in
11 paragraphs 45 through 48, above.

12 **TWENTY-SIXTH CAUSE FOR DISCIPLINE**

13 **(Failure to Comply with Code)**

14 50. Respondent Jin has subjected his lamp and brake adjuster licenses to
15 discipline under Code section 9889.3, subdivision (a), in that on or about April 13, 2005, he
16 failed to comply with Code section 9889.22 as follows:

17 a. Respondent Jin issued Lamp Certificate of Adjustment No. LC041617,
18 certifying that the back up lights were operational and the headlights had been inspected for
19 aim. In fact, the headlights were out of adjustment and the back up lights were inoperative.

20 b. Respondent Jin issued Lamp Certificate of Adjustment No. LC041617,
21 certifying that he had inspected the vehicle's lights. In fact, Respondent Jin did not inspect the
22 vehicle's lighting system.

23 c. Respondent Jin issued Brake Certificate of Adjustment No. BC042337,
24 certifying that the front and rear brake rotors and drums were satisfactory. In fact, the rear brake
25 drums were oversized and did not meet the manufacturer's specifications.

26 d. Respondent Jin issued Brake Certificate of Adjustment No. BC042337,
27 certifying that he had inspected the vehicle's brake system. In fact, Respondent Jin did not
28 inspect the vehicle's brake system.

1 d. Respondent Jin issued Brake Certificate of Adjustment No. BC042337,
2 certifying that he had inspected the vehicle's brake system. In fact, Respondent Jin did not
3 inspect the vehicle's brake system.

4 **TWENTY-NINTH CAUSE FOR DISCIPLINE**

5 **(Failure to Comply with Chapter Requirements)**

6 53. Respondent Jin has subjected his lamp and brake adjuster licenses to
7 discipline under Code section 9889.3. subdivision (h), in that on or about April 13, 2005, he
8 violated provisions of this Chapter, as set forth in paragraphs 50 through 52, above.

9 **OTHER MATTERS**

10 54. Under Code section 9884.7, subdivision (c), the director may invalidate or
11 refuse to validate, temporarily or permanently, the registrations for all places of business operated
12 in this state by Young Joo Jin, doing business as Tony Auto Care, upon a finding that he has, or
13 is, engaged in a course of repeated and willful violations of the laws and regulations pertaining to
14 an automotive repair dealer.

15 55. Under Code section 9889.9, if Official Brake Station License No.
16 BA 187357, issued to Young Joo Jin, doing business as Tony Auto Care, is revoked or
17 suspended, any additional license issued under this chapter in the name of said licensee may be
18 likewise revoked or suspended by the director.

19 56. Under Code section 9889.9, if Official Lamp Station License No.
20 LA 187357, issued to Young Joo Jin, doing business as Tony Auto Care, is revoked or
21 suspended, any additional license issued under this chapter in the name of said licensee may be
22 likewise revoked or suspended by the director.

23 57. Under Code section 9889.9, if Brake Adjuster License No.
24 JC 135755-C, issued to Dong K. Jin, is revoked or suspended, any additional license issued
25 under this chapter in the name of said licensee may be likewise revoked or suspended by the
26 director.

27 58. Under Code section 9889.9, if Lamp Adjuster License No.
28 RY 135755-A, issued to Dong K. Jin, is revoked or suspended, any additional license issued

1 under this chapter in the name of said licensee may be likewise revoked or suspended by the
2 director.

3 **PRAYER**

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

- 6 1. Temporarily or permanently invalidating Automotive Repair Dealer
7 Registration No. AA 187357, issued to Young Joo Jin, doing business as Tony Auto Repair;
- 8 2. Temporarily or permanently invalidating any other automotive repair
9 dealer registration issued to Young Joo Jin, doing business as Tony Auto Repair;
- 10 3. Revoking or suspending Official Brake Station License No.
11 BA 187357, issued to Young Joo Jin, doing business as Tony Auto Repair;
- 12 4. Revoking or suspending any additional license issued under this chapter in
13 the name Young Joo Jin, doing business as Tony Auto Repair;
- 14 5. Revoking or suspending Official Lamp Station License No.
15 LA 187357, issued to Young Joo Jin, doing business as Tony Auto Repair;
- 16 6. Revoking or suspending any additional license issued under this chapter in
17 the name Young Joo Jin, doing business as Tony Auto Repair;
- 18 7. Revoking or suspending Brake Adjuster License No. JC 135755-C, issued
19 to Dong K. Jin;
- 20 8. Revoking or suspending any additional license issued under this chapter in
21 the name Dong K. Jin;
- 22 9. Revoking or suspending Lamp Adjuster License No. RY 135755-A, issued
23 to Dong K. Jin.
- 24 10. Revoking or suspending any additional license issued under this chapter in
25 the name Dong K. Jin;

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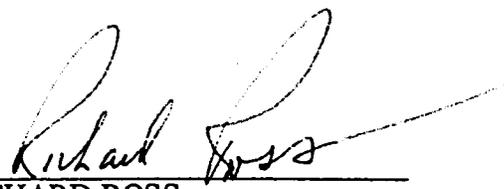
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11. Ordering Young Joo Jin and Dong K. Jin to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,

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

DATED: 06.27.06



RICHARD ROSS
Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant