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

12 In the Matter of the Accusation Against:

Case No. 77/13-76

13 **CERTIFIED TIRE & SERVICE CENTERS, INC.,**  
14 **DBA CERTIFIED TIRE & SERVICE CENTERS, INC.,**  
**JEFFREY ALAN DARROW, PRESIDENT;**  
15 **Mailing Address:**  
16 **1875 Iowa Avenue**  
**Riverside, CA 92507**

**FIRST AMENDED**  
**ACCUSATION**

17 **BRANCH OFFICES/REPAIR FACILITIES**

18 **CERTIFIED TIRE & SERVICE CENTERS, INC.,**  
19 **DBA CERTIFIED TIRE & SERVICE CENTERS, INC.,**  
**JEFFREY ALAN DARROW, PRESIDENT;**  
20 **9572 Chapman Avenue**  
**Garden Grove, CA 92841**

21 **Automotive Repair Dealer Registration No.**  
**ARD 206905**

22  
23 **CERTIFIED TIRE & SERVICE CENTERS, INC.,**  
**DBA CERTIFIED TIRE & SERVICE CENTERS, INC.,**  
24 **JEFFREY ALAN DARROW, PRESIDENT;**  
**1820 West Ramsey Street**  
25 **Banning, CA 92220**

26 **Automotive Repair Dealer Registration No.**  
**ARD 224215**

1 **CERTIFIED TIRE & SERVICE CENTERS, INC.,**  
2 **DBA CERTIFIED TIRE & SERVICE CENTERS, INC.,**  
3 **JEFFREY ALAN DARROW, PRESIDENT;**  
4 **17067 Foothill Boulevard**  
5 **Fontana, CA 92335**

6 **Automotive Repair Dealer Registration No.**  
7 **ARD 199471**

8 **CERTIFIED TIRE & SERVICE CENTERS, INC.,**  
9 **DBA CERTIFIED TIRE & SERVICE CENTERS, INC.,**  
10 **JEFFREY ALAN DARROW, PRESIDENT;**  
11 **7960 La Palma Avenue**  
12 **Buena Park, CA 90620**

13 **Automotive Repair Dealer Registration No.**  
14 **ARD 224219**

15 **CERTIFIED TIRE & SERVICE CENTERS, INC.,**  
16 **DBA CERTIFIED TIRE & SERVICE CENTERS, INC.,**  
17 **JEFFREY ALAN DARROW, PRESIDENT;**  
18 **19300 Beach Boulevard**  
19 **Huntington Beach, CA 92648**

20 **Automotive Repair Dealer Registration No.**  
21 **ARD 203512**

22 **CERTIFIED TIRE & SERVICE CENTERS, INC.,**  
23 **DBA CERTIFIED TIRE & SERVICE CENTERS, INC.,**  
24 **JEFFREY ALAN DARROW, PRESIDENT;**  
25 **16190 Perris Boulevard**  
26 **Moreno Valley, CA 92551**

27 **Automotive Repair Dealer Registration No.**  
28 **ARD 256933**

Respondents.

Complainant alleges:

**PARTIES**

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

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1           **Automotive Repair Dealer Registration No. ARD 206905 (Garden Grove Facility)**

2           2.     In 1999, the BAR issued Automotive Repair Dealer Registration Number ARD  
3 206905 (registration) to Certified Tire & Service Centers, Inc., dba Certified Tire & Service  
4 Centers, Inc., Jeffrey Alan Darrow, President (Respondent). The registration was in full force and  
5 effect at all times relevant to the charges brought herein and will expire on August 31, 2014,  
6 unless renewed.

7           **Automotive Repair Dealer Registration No. ARD 224215 (Banning Facility)**

8           3.     On or about November 15, 2002, the BAR issued Automotive Repair Dealer  
9 Registration Number ARD 224215 (registration) to Certified Tire & Service Centers, Inc., dba  
10 Certified Tire & Service Centers, Inc., Jeffrey Alan Darrow, President (Respondent). The  
11 registration was in full force and effect at all times relevant to the charges brought herein and will  
12 expire on October 31, 2014, unless renewed.

13           **Automotive Repair Dealer Registration No. ARD 199471 (Fontana Facility)**

14           4.     On or about June 17, 1998, the BAR issued Automotive Repair Dealer Registration  
15 Number ARD 199471 (registration) to Certified Tire & Service Centers, Inc., dba Certified Tire  
16 & Service Centers, Inc., Jeffrey Alan Darrow, President (Respondent). The registration was in  
17 full force and effect at all times relevant to the charges brought herein and will expire on April 30,  
18 2014, unless renewed.

19           **Automotive Repair Dealer Registration No. ARD 224219 (Buena Park Facility)**

20           5.     On or about November 15, 2002, the BAR issued Automotive Repair Dealer  
21 Registration Number ARD 224219 (registration) to Certified Tire & Service Centers, Inc., dba  
22 Certified Tire & Service Centers, Inc., Jeffrey Alan Darrow, President (Respondent). The  
23 registration was in full force and effect at all times relevant to the charges brought herein and will  
24 expire on October 31, 2014, unless renewed.

25           **Automotive Repair Dealer Registration No. ARD 203512 (Huntington Beach Facility)**

26           6.     On or about March 9, 1999, the BAR issued Automotive Repair Dealer Registration  
27 Number ARD 203512 (registration) to Certified Tire & Service Centers, Inc., dba Certified Tire  
28 & Service Centers, Inc., Jeffrey Alan Darrow, President (Respondent). The registration was in

1 full force and effect at all times relevant to the charges brought herein and will expire on February  
2 28, 2015, unless renewed.

3 **Automotive Repair Dealer Registration No. ARD 256933 (Moreno Valley Facility)**

4 7. On or about December 16, 2008, the BAR issued Automotive Repair Dealer  
5 Registration Number ARD 256933 (registration) to Certified Tire & Service Centers, Inc., dba  
6 Certified Tire & Service Centers, Inc., Jeffrey Alan Darrow, President (Respondent). The  
7 registration was in full force and effect at all times relevant to the charges brought herein and will  
8 expire on December 31, 2014, unless renewed.

9 **JURISDICTION**

10 8. This Accusation is brought before the Director of Consumer Affairs (Director) for the  
11 Bureau of Automotive Repair, under the authority of the following laws. All section references  
12 are to the Business and Professions Code (Code) unless otherwise indicated.

13 9. Section 118, subdivision (b), of the Code provides that the suspension, expiration,  
14 surrender or cancellation of a license shall not deprive the Director of jurisdiction to proceed with  
15 a disciplinary action during the period within which the license may be renewed, restored,  
16 reissued or reinstated.

17 10. Section 477 of the Code states:

18 As used in this division:

19 "(a) 'Board' includes 'bureau,' 'commission,' 'committee,' 'department,' 'division,'  
20 'examining committee,' 'program,' and 'agency.'

21 "(b) 'License' includes certificate, registration or other means to engage in a business  
22 or profession regulated by this code."

23 11. Section 9884.7 of the Code states, in pertinent part:

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

(1) Making or authorizing in any manner or by any means whatever any  
statement written or oral which is untrue or misleading, and which is known, or

1 which by the exercise of reasonable care should be known, to be untrue or  
misleading.

2 . . . .

3 (3) Failing or refusing to give to a customer a copy of any document  
4 requiring his or her signature, as soon as the customer signs the document.

5 (4) Any other conduct that constitutes fraud.

6 (5) Conduct constituting gross negligence.

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

8 (7) Any willful departure from or disregard of accepted trade standards for  
9 good and workmanlike repair in any material respect, which is prejudicial to  
another without consent of the owner or his or her duly authorized representative.

10 (8) Making false promises of a character likely to influence, persuade, or  
11 induce a customer to authorize the repair, service, or maintenance of automobiles.

12 . . . .

13 (b) Except as provided for in subdivision (c), if an automotive repair dealer  
operates more than one place of business in this state, the director pursuant to  
14 subdivision (a) shall only suspend, revoke, or place on probation 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  
15 right of the automotive repair dealer to operate his or her other places of business.

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

19 12. Section 9884.13 of the Code provides that the expiration of a valid registration shall  
20 not deprive the Director of jurisdiction to proceed with a disciplinary proceeding against an  
21 automotive repair dealer or to render a decision invalidating a registration temporarily or  
22 permanently.

23 **STATUTORY PROVISIONS**

24 13. Section 9884.8 of the Code states:

25 "All work done by an automotive repair dealer, including all warranty work, shall be  
26 recorded on an invoice and shall describe all service work done and parts supplied. . . . One copy  
27 of the invoice shall be given to the customer and one copy shall be retained by the automotive  
28 repair dealer."

1 14. Section 9884.9 of the Code states, in pertinent part:

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

18 .....

19 **REGULATORY PROVISIONS**

20 15. California Code of Regulations, title 16, (CCR) section 3353, states, in pertinent part:

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

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

26 .....

27 (c) Additional Authorization. The dealer shall obtain the customer's  
28 authorization before any additional work not estimated is done or parts not  
29 estimated are supplied. This authorization shall be in written, oral, or electronic  
30 form, and shall describe additional repairs, parts, labor and the total additional  
31 cost.

32 (1) If the authorization from the customer for additional repairs, parts, or  
33 labor in excess of the written estimated price is obtained orally, the dealer shall  
34 also make a notation on the work order and on the invoice of the date, time, name  
35 of the person authorizing the additional repairs, and the telephone number called,  
36 if any, together with the specification of the additional repairs, parts, labor and the  
37 total additional costs.

38 .....

39 (4) The additional repairs, parts, labor, total additional cost, and a statement  
40 that the additional repairs were authorized either orally, or by fax, or by e-mail  
41 shall be recorded on the final invoice to Section 9884.9 of the Business and  
42 Professions Code. All documentation must be retained pursuant to Section  
43 9884.11 of the Business and Professions Code.

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(e) Revising an Itemized Work Order. If the customer has authorized repairs according to a work order on which parts and labor are itemized, the dealer shall not change the method of repair or parts supplied without the written, oral, electronic authorization of the customer. The authorization shall be obtained from the customer as provided in subsection (c) and Section 9884.9 of the Business and Professions Code.

....

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

16. CCR, section 3356, states, in pertinent part:

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

(1) The invoice shall show the automotive repair dealer's registration number and the corresponding business name and address as shown in the Bureau's records. If the automotive repair dealer's telephone number is shown, it shall comply with the requirements of subsection (b) of Section 3371 of this chapter.

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

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

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

....

17. CCR, section 3371, states, in pertinent part:

"No dealer shall publish, utter, or make or cause to be published, uttered, or made any false or misleading statement or advertisement which is known to be false or misleading, or which by the exercise of reasonable care should be known to be false or misleading.

"...."

///

1 18. CCR, section 3372.1, states, in pertinent part:

2 "An automotive repair dealer shall not advertise automotive service at a price which is  
3 misleading. Price advertising is misleading in circumstances which include but are not limited to  
4 the following:

5 "(a) The automotive repair dealer does not intend to sell the advertised service at the  
6 advertised price but intends to entice the consumer into a more costly transaction; or

7 "..."

8 19. CCR, section 3373, states:

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

14 **COST RECOVERY**

15 20. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
16 administrative law judge to direct a licentiate found to have committed a violation or violations of  
17 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
18 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
19 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
20 included in a stipulated settlement.

21 **RESPONDENT'S GARDEN GROVE FACILITY**

22 **UNDERCOVER OPERATION – JUNE 22, 2011**

23 21. On or about June 22, 2011, a BAR undercover [REDACTED] (operator) drove a BAR  
24 documented 2002 Dodge (Dodge) into Respondent's facility in Garden Grove, California and  
25 asked the Respondent for an advertised oil change, specially priced at \$11.88. The undercover  
26 vehicle had been previously documented as being only in need of an engine oil and filter change  
27 and a wheel alignment. The undercover operator signed a work order but was given a copy of the  
28 unsigned work order. The total price on the work order was for \$121.11 for an enhanced oil

1 change and to check the balance in the tires. Later that day Respondent's employee, Roger, spoke  
2 to the operator and told her that the rear brakes were "Metal to metal", the rear brake wheel  
3 cylinders were leaking brake fluid and two tires were out of balance. Roger also told the operator  
4 that the vehicle's rear shocks were leaking and that the vehicle needed a new rack and pinion  
5 because it was also leaking and an alignment. The operator agreed to all of the recommended  
6 repairs. The operator approved the estimate for repairs of \$1,600.00 including tax.

7 22. Later that same day, Roger called the operator to tell her that the rear bushings needed  
8 to be replaced because they were worn out, cracked and pushed out due to the rear shocks. The  
9 cost of this repair was \$691.90. At first the operator authorized the repair to the rear bushings.  
10 She then called the shop back and told them not to do the repair to the bushings but to note their  
11 recommendation on her receipt.

12 23. On June 23, 2011, the operator returned to Respondent's facility, paid \$1,717.27 and  
13 received Invoice number [REDACTED]

14 24. On or about June 24, 2011, a BAR lab technician re-inspected the Dodge. He found  
15 that Respondent had damaged the rear leaf spring bushings, the front suspension steering  
16 knuckles and the right front suspension outer tie rod end boot. Respondent also overfilled the  
17 engine oil, installed an incorrect oil filter, and used an oil system cleaner treatment and a fuel  
18 system additive not recommended by the manufacturer. Respondent also over filled the power  
19 steering reservoir and improperly adjusted the camber when performing the front end alignment.  
20 The vehicle was returned to the operator with a dripping oily fluid which covered the power  
21 steering fluid cooler hoses, the evaporative emissions system purge solenoid and the leak  
22 detection pump. The oily fluid was dripping on the ground.

23 25. The BAR lab technician also found that Respondent performed the following  
24 unnecessary repairs; replacing the rack and pinion assembly, the rear brake shoes, the rear wheel  
25 cylinders, the brake fluid, and rear shocks. Respondent also unnecessarily turned the rear drums,  
26 flushed the power steering fluid, added power steering fluid treatment, cleaned the fuel and intake  
27 system, and added an oil system cleaner and treatment.

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**FIRST CAUSE FOR DISCIPLINE**

**(Untrue or Misleading Statements)**

26. Respondent's registration is subject to discipline under Code section 9884.7, subdivision (a)(1), in that on or about June 22, 2011, Respondent made or authorized statements which he knew, or which by exercise of reasonable care should have known to be untrue or misleading, as set forth in paragraphs 21 through 25, above. Respondent told the operator that the Dodge needed replacement of the rack and pinion assembly, the rear brake shoes, the rear brake wheel cylinders, the brake fluid, and the rear shocks, when in fact all of these parts and systems were new and/or in good serviceable condition.

**SECOND CAUSE FOR DISCIPLINE**

**(Fraud)**

27. Respondent's registration is subject to discipline under Code section 9884.7, subdivision (a)(4), in that on or about June 22, 2011, Respondent made false and misleading representations to the operator regarding the condition of the rack and pinion assembly, the rear brake shoes, the rear brake wheel cylinders, the brake fluid, and the rear shocks and on or about June 23, 2011, accepted payment for those parts and services as set forth in paragraphs 21 through 25, above. Respondent also accepted payment for unnecessarily turning the rear drums, flushing the power steering fluid, adding power steering fluid treatment, cleaning the fuel and intake system, and adding an oil system cleaner and treatment.

**THIRD CAUSE FOR DISCIPLINE**

**(Gross Negligence)**

28. Respondent's registration is subject to discipline under Code section 9884.7, subdivision (a)(5), in that on or about June 22, 2011, Respondent was grossly negligent in performing repairs to the Dodge as set forth in paragraphs 21 through 25, above. Respondent damaged the rear leaf spring bushings, the front suspension steering knuckles and the right front suspension outer tie rod end boot, overfilled the engine oil, installed an incorrect oil filter, and used an oil system cleaner treatment and a fuel system additive not recommended by the manufacturer. Respondent also over filled the power steering reservoir and improperly adjusted

1 the camber when performing the front end alignment. The vehicle was returned to the operator  
2 with a dripping oily fluid which covered the power steering fluid cooler hoses, the evaporative  
3 emissions system purge solenoid and the leak detection pump.

4 **FOURTH CAUSE FOR DISCIPLINE**

5 **(Failure to Comply with the Code)**

6 29. Respondent has subjected his registration to discipline pursuant to Business and  
7 Professions Code section 9884.7, subdivision (a)(6), in that on June 22, 2011, Respondent failed  
8 to comply with the following sections of the Code, as set forth in paragraphs 21 through 25,  
9 above:

10 a) **Section 9884.7, subdivision (a)(3):** Respondent failed to give to the operator a copy  
11 of the signed work order.

12 b) **Section 9884.7, subdivision (a)(7):** Respondent failed to follow accepted trade  
13 standards in that he damaged the rear leaf spring bushings, the front suspension steering knuckles  
14 and the right front suspension outer tie rod end boot, overfilled the engine oil, installed an  
15 incorrect oil filter, used an oil system cleaner treatment and a fuel system additive not  
16 recommended by the manufacturer, over filled the power steering reservoir and improperly  
17 adjusted the camber when performing the front end alignment. The vehicle was returned to the  
18 operator with a dripping oily fluid which covered the power steering fluid cooler hoses, the  
19 evaporative emissions system purge solenoid and the leak detection pump.

20 c) **Section 9884.9, subdivision (a):** Respondent exceeded the estimate when he charged  
21 the Bureau's operator \$1,717.27 after telling her the total, with tax, would be \$1,600.00.

22 **FIFTH CAUSE FOR DISCIPLINE**

23 **(Violation of Regulations)**

24 30. Respondent has subjected his registration to discipline pursuant to Business and  
25 Professions Code section 9884.7, subdivision (a)(6), in that on June 22, 2011, Respondent failed  
26 to comply with the following sections of the California Code of Regulations, title 16, as set forth  
27 in paragraphs 21 through 25, above:

1 a) **Section 3353, subdivision (c)(1):** Respondent failed to properly record additional  
2 oral authorization for the increased estimate on the work order and invoice for the Dodge.

3 b) **Section 3371:** Respondent inserted information into the work order for the Dodge,  
4 regarding the cracked bushings that caused the document to be false and misleading.

5 c) **Section 3372.1, subdivision (a):** Respondent's advertisement for an oil change for  
6 \$11.88 was unfair and misleading in that it was used as a bait and switch tactic to induce the  
7 operator into purchasing unnecessary and more costly repairs.

8 d) **Section 3373:** Respondent created a false and misleading record by recommending  
9 the services and repairs for the Dodge by stating that the vehicle needed replacement of the rack  
10 and pinion assembly, the rear brake shoes, the rear wheel cylinders, the brake fluid, and the rear  
11 shocks. The only service the Dodge needed was an engine oil and filter change and a wheel  
12 alignment.

13 **UNDERCOVER OPERATION – SEPTEMBER 22, 2011**

14 31. On or about September 22, 2011, a BAR undercover operator (operator) drove a BAR  
15 documented 2002 Honda (Honda) into Respondent's facility in Garden Grove, California and  
16 asked the Respondent for an advertised oil change, specially priced at \$15.88. The undercover  
17 vehicle had been previously documented as being only in need of an engine oil and filter change.  
18 The operator initialed but did not sign a work order but was given a copy of the unsigned work  
19 order without her initials. The total price on the work order was for \$18.20. Later that day  
20 Respondent's employee, Bill Dodds (Bill), telephoned the operator and told her that the radiator  
21 hoses were "very hard" and needed to be replaced. At the same time he would do a coolant flush.  
22 Bill also told the operator that the right front strut was "badly leaking" and he needed to replace  
23 both of the front struts and a four wheel alignment. The operator agreed to all of the  
24 recommended repairs. The operator approved the estimate for repairs of \$1,070.00.

25 32. On September 23, 2011, the operator returned to Respondent's facility, paid  
26 \$1,116.47 and received Invoice number [REDACTED]

27 33. On or about September 23, 2011, a BAR lab technician re-inspected the Honda. He  
28 found that Respondent had overfilled the engine oil, did not properly drain the anti/freeze coolant,

1 did not put in the anti/freeze coolant recommended by the manufacturer, diluted the anti/freeze  
2 coolant mixture and improperly balanced the wheels.

3 34. The BAR lab technician also found that Respondent performed the following  
4 unnecessary repairs; replacing the radiator hoses and related items, replacing the radiator  
5 anti/freeze coolant, replacing the front struts and aligning the vehicle.

6 **SIXTH CAUSE FOR DISCIPLINE**

7 **(Untrue or Misleading Statements)**

8 35. Respondent's registration is subject to discipline under Code section 9884.7,  
9 subdivision (a)(1), in that on or about September 22, 2011, Respondent made or authorized  
10 statements which he knew, or which by exercise of reasonable care should have known to be  
11 untrue or misleading, as set forth in paragraphs 31 through 34, above. Respondent told the  
12 operator that the Honda needed radiator hoses, a coolant flush, front struts and an alignment,  
13 when in fact all of these parts and systems were new and/or in good serviceable condition.

14 **SEVENTH CAUSE FOR DISCIPLINE**

15 **(Fraud)**

16 36. Respondent's registration is subject to discipline under Code section 9884.7,  
17 subdivision (a)(4), in that on or about September 22, 2011, Respondent made false and  
18 misleading representations to the operator regarding the condition of the radiator hoses, the  
19 coolant, the front struts and the alignment and on or about September 23, 2011, accepted payment  
20 for those parts and services as set forth in paragraphs 31 through 34, above.

21 **EIGHTH CAUSE FOR DISCIPLINE**

22 **(Gross Negligence)**

23 37. Respondent's registration is subject to discipline under Code section 9884.7,  
24 subdivision (a)(5), in that on or about September 22, 2011, Respondent was grossly negligent in  
25 performing repairs to the Honda as set forth in paragraphs 31 through 34, above. Respondent  
26 overfilled the engine oil, did not properly drain the anti/freeze coolant, did not put in the  
27 anti/freeze coolant recommended by the manufacturer, diluted the anti/freeze coolant mixture and  
28 improperly balanced the wheels.

1 **NINTH CAUSE FOR DISCIPLINE**

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

3 38. Respondent has subjected his registration to discipline pursuant to Business and  
4 Professions Code section 9884.7, subdivision (a)(6), in that on September 22, 2011, Respondent  
5 failed to comply with the following sections of the Code, as set forth in paragraphs 31 through 34,  
6 above:

7 a) **Section 9884.7, subdivision (a)(3):** Respondent failed to give to the operator a copy  
8 of the signed work order.

9 b) **Section 9884.7, subdivision (a)(7):** Respondent failed to follow accepted trade  
10 standards in that he overfilled the engine oil, did not properly drain the anti/freeze coolant, did not  
11 put in the anti/freeze coolant recommended by the manufacturer, diluted the anti/freeze coolant  
12 mixture and improperly balanced the wheels.

13 **TENTH CAUSE FOR DISCIPLINE**

14 **(Violation of Regulations)**

15 39. Respondent has subjected his registration to discipline pursuant to Business and  
16 Professions Code section 9884.7, subdivision (a)(6), in that on September 22, 2011, Respondent  
17 failed to comply with the following sections of the California Code of Regulations, title 16, as set  
18 forth in paragraphs 31 through 34, above:

19 a) **Section 3372.1, subdivision (a):** Respondent's advertisement for an oil change for  
20 \$15.88 was unfair and misleading in that it was used as a bait and switch tactic to induce the  
21 operator into purchasing unnecessary and more costly repairs.

22 b) **Section 3373:** Respondent created a false and misleading record by recommending  
23 the services and repairs for the Honda by stating that the vehicle needed radiator hoses, a coolant  
24 flush, front struts and an alignment. The only service the Honda needed was an engine oil and  
25 filter change.

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**TWELFTH CAUSE FOR DISCIPLINE**

**(Fraud)**

45. Respondent's registration is subject to discipline under Code section 9884.7, subdivision (a)(4), in that on or about August 31, 2011, Respondent made false and misleading representations to the operator regarding the condition of the timing belt and related parts, the water pump and the brake fluid and on or about August 31, 2011, accepted payment for those parts and services as set forth in paragraphs 40 through 43, above.

**THIRTEENTH CAUSE FOR DISCIPLINE**

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

46. Respondent has subjected his registration to discipline pursuant to Business and Professions Code section 9884.7, subdivision (a)(6), in that on August 31, 2011, Respondent failed to comply with the following sections of the Code, as set forth in paragraphs 40 through 43, above:

a) **Section 9884.7, subdivision (a)(3):** Respondent failed to give to the operator a copy of the signed work order. Respondent also failed to give the operator a copy of the vehicle inspection sheet until after the repairs were completed.

b) **Section 9884.7, subdivision (a)(7):** Respondent failed to follow accepted trade standards in that he did not perform the brake fluid flush as recommended.

c) **Section 9884.9, subdivision (a):** Respondent exceeded the estimate when he charged the Bureau's operator \$825.78 after telling her the total would be \$727.28. Respondent also recommended a brake fluid flush but did not perform as he stated he would.

**FOURTEENTH CAUSE FOR DISCIPLINE**

**(Violation of Regulations)**

47. Respondent has subjected his registration to discipline pursuant to Business and Professions Code section 9884.7, subdivision (a)(6), in that on August 31, 2011, Respondent failed to comply with the following sections of the California Code of Regulations, title 16, as set forth in paragraphs 40 through 43, above:

1 a) **Section 3356, subdivision (a)(1):** Respondent failed to show the correct ARD  
2 number on his invoice.

3 b) **Section 3371:** Respondent falsely informed the operator that the vehicle needed a  
4 timing belt kit, a water pump, front brake pads, a brake fluid flush and a new battery.

5 c) **Section 3373:** Respondent created a false and misleading record by recommending  
6 the services and repairs for the Honda by stating that the vehicle needed a timing belt kit, a water  
7 pump, front brake pads, a brake fluid flush and a new battery. The only service the Honda needed  
8 was to have the gas fill cap tightened.

9 **FIFTEENTH CAUSE FOR DISCIPLINE**

10 **(Violations of the Automobile Repair Act)**

11 48. Respondent's registration is subject to discipline under Code section 9884.7,  
12 subdivision (a)(6), in that on or about August 31, 2011, Respondent failed to comply with the  
13 Automotive Repair Act as set forth in paragraphs 40 through 43, above.

14 **UNDERCOVER OPERATION – JANUARY 27, 2012**

15 49. On or about January 27, 2012, a BAR undercover operator (operator) drove a BAR  
16 documented 2006 Lincoln (Lincoln) into Respondent's facility in Banning, California and asked  
17 the Respondent for an oil change and to repair a flat tire. The undercover vehicle had been  
18 previously documented as only in need of an engine oil change and the flat repaired. The  
19 operator signed a work order but was given a copy of the unsigned work order. Later that day  
20 Respondent's employee, Dave, spoke with the operator and told her that the brake fluid was at a  
21 minimum level, the battery needed to be replaced and the vehicle needed a 60,000 mile service.  
22 Dave also told the operator that the flat split during the repair and was not repairable. He  
23 recommended a new tire. The operator agreed to the new tire but none of the other recommended  
24 repairs.

25 50. When the operator picked up the Lincoln after the work was completed she was given  
26 Invoice number [REDACTED] and a vehicle inspection report that recommended the following repairs  
27 or service: the cooling system, the transmission fluid, the power steering fluid, a fuel system tune  
28 up, brake fluid, a new battery and replacement of shocks/struts. None of the items listed were in

1 need of replacement or servicing. The invoice listed a license number of 224219. The license  
2 number for the Banning facility is 224215.

3 **SIXTEENTH CAUSE FOR DISCIPLINE**

4 **(Untrue or Misleading Statements)**

5 51. Respondent's registration is subject to discipline under Code section 9884.7,  
6 subdivision (a)(1), in that on or about January 27, 2012, Respondent made or authorized  
7 statements which he knew, or which by exercise of reasonable care should have known to be  
8 untrue or misleading, as set forth in paragraphs 49 and 50, above. Respondent told the operator  
9 that the Lincoln needed the following repairs or service: the cooling system, the transmission  
10 fluid, the power steering fluid, a fuel system tune up, brake fluid, a new battery and replacement  
11 of shocks/struts, when in fact all of these parts and systems were new and/or in good serviceable  
12 condition.

13 **SEVENTEENTH CAUSE FOR DISCIPLINE**

14 **(Violation of Regulations)**

15 52. Respondent has subjected his registration to discipline pursuant to Business and  
16 Professions Code section 9884.7, subdivision (a)(6), in that on January 27, 2012, Respondent  
17 failed to comply with the following sections of the California Code of Regulations, title 16, as set  
18 forth in paragraphs 49 and 50, above:

19 a) Section 3356, subdivision (a)(1): Respondent failed to show the correct ARD number  
20 on his invoice.

21 **EIGHTEENTH CAUSE FOR DISCIPLINE**

22 **(Violations of the Automobile Repair Act)**

23 53. Respondent's registration is subject to discipline under Code section 9884.7,  
24 subdivision (a)(6), in that on or about January 27, 2012, Respondent failed to comply with the  
25 Automotive Repair Act as set forth in paragraphs 49 and 50, above.

26 **UNDERCOVER OPERATION – FEBRUARY 21, 2012**

27 54. On or about February 21, 2012, a BAR undercover operator (operator) returned to  
28 Respondent's facility in Banning, California driving the same BAR documented 2006 Lincoln

1 (Lincoln) and asked the Respondent if it was still necessary to have her battery replaced and the  
2 60,000 mile service performed as recommended on her last visit to the facility on January 27,  
3 2012. The undercover vehicle had been previously documented as not needing any service or  
4 repairs. Respondent's employee, Dave, spoke with the operator and told her that the battery  
5 needed to be replaced and the vehicle needed a 60,000 mile service. The operator signed a work  
6 order but was not given a copy. The operator agreed to the new battery and the 60,000 mile  
7 service.

8 55. On February 21, 2012, the operator returned to Respondent's facility, paid \$642.57  
9 and received Invoice number [REDACTED]. The invoice listed a license number of 224219. The  
10 license number for the Banning facility is 224215.

11 56. On or about February 21, 2012, a BAR lab technician re-inspected the Lincoln. He  
12 found that the brake master cylinder had been filled above the maximum level, the tires had not  
13 been rotated and coolant was now at about a 52% antifreeze protection, which was reduced from  
14 the 58% level it came in with.

15 57. The BAR lab technician also found that Respondent had performed the majority of  
16 the 60,000 mile service procedures on the January 27, 2012 visit. No additional 60,000 mile  
17 service procedures were performed on the second visit by the Lincoln on February 21, 2012.  
18 Respondent had performed repairs and services that were not necessary or called for by the  
19 manufacturer for a 60,000 mile service. These unnecessary repairs and services included the  
20 following: the replacement of the battery; the flushing of the cooling system, the power steering  
21 and the transmission. The additives placed in the transmission, fuel system and oil were not  
22 necessary or needed and are not appropriate according to the manufacturer. Also, the fuel and  
23 intake systems did not need to be cleaned.

24 **NINETEENTH CAUSE FOR DISCIPLINE**

25 **(Untrue or Misleading Statements)**

26 58. Respondent's registration is subject to discipline under Code section 9884.7,  
27 subdivision (a)(1), in that on or about February 21, 2012, Respondent made or authorized  
28 statements which he knew, or which by exercise of reasonable care should have known to be

1 untrue or misleading, as set forth in paragraphs 54 through 57, above. Respondent told the  
2 operator that the Lincoln needed a new battery and a 60,000 mile service, when in fact all of these  
3 parts and systems were new and/or in good serviceable condition.

4 **TWENTIETH CAUSE FOR DISCIPLINE**

5 **(Fraud)**

6 59. Respondent's registration is subject to discipline under Code section 9884.7,  
7 subdivision (a)(4), in that on or about February 21, 2012, Respondent made false and misleading  
8 representations to the operator regarding the condition of the battery and the fluid systems.  
9 Respondent also falsely represented to the operator that he had rotated the tires, and on or about  
10 February 21, 2012, accepted payment for those parts and services as set forth in paragraphs 54  
11 through 57, above.

12 **TWENTY-FIRST CAUSE FOR DISCIPLINE**

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

14 60. Respondent has subjected his registration to discipline pursuant to Business and  
15 Professions Code section 9884.7, subdivision (a)(6), in that on February 21, 2012, Respondent  
16 failed to comply with the following sections of the Code, as set forth in paragraphs 54 through 57,  
17 above:

18 a) **Section 9884.7, subdivision (a)(3):** Respondent failed to give to the operator a copy  
19 of the work order.

20 b) **Section 9884.7, subdivision (a)(7):** Respondent failed to follow accepted trade  
21 standards in that he did not perform the coolant replacement as recommended. In addition,  
22 Respondent used additives, friction modifiers and cleaners in the transmission, fuel system and oil  
23 system that were not necessary or needed and are not appropriate according to the manufacturer.

24 c) **Section 9884.7, subdivision (a)(8):** Respondent falsely promised to perform a 60,000  
25 mile service on the Lincoln but failed to replace the air and fuel filters as recommended by the  
26 manufacturer for that service.

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1 **TWENTY-SECOND CAUSE FOR DISCIPLINE**

2 **(Violation of Regulations)**

3 61. Respondent has subjected his registration to discipline pursuant to Business and  
4 Professions Code section 9884.7, subdivision (a)(6), in that on February 21, 2012, Respondent  
5 failed to comply with the following sections of the California Code of Regulations, title 16, as set  
6 forth in paragraphs 54 through 57, above:

7 a) **Section 3353, subdivision (a):** Respondent failed to give the operator a written  
8 estimate or work order.

9 b) **Section 3356, subdivision (a)(1):** Respondent failed to show the correct ARD  
10 number on his invoice.

11 c) **Section 3371:** Respondent falsely informed the operator that the vehicle needed a  
12 60,000 mile service and a new battery.

13 d) **Section 3373:** Respondent created a false and misleading record by recommending  
14 the services and repairs for the Lincoln by stating that the vehicle needed a 60,000 mile service  
15 and a new battery. The Lincoln did not need any service or repairs.

16 **TWENTY-THIRD CAUSE FOR DISCIPLINE**

17 **(Violations of the Automobile Repair Act)**

18 62. Respondent's registration is subject to discipline under Code section 9884.7,  
19 subdivision (a)(6), in that on or about February 21, 2012, Respondent failed to comply with the  
20 Automotive Repair Act as set forth in paragraphs 54 through 57, above.

21 **RESPONDENT'S FONTANA FACILITY**

22 **UNDERCOVER OPERATION – APRIL 18, 2012**

23 63. On or about April 18, 2012, a BAR undercover operator (operator) drove a BAR  
24 documented 2002 Honda (Honda) into Respondent's facility in Fontana, California and asked the  
25 Respondent for an engine oil change. The undercover vehicle had been previously documented  
26 as being only in need of an engine oil and filter change. The operator signed a work order but  
27 was given a copy of the unsigned work order. The total price on the work order was for \$29.07.  
28

1 The operator also agreed to and signed a vehicle inspection report that was offered free of charge  
2 with the oil change. The operator received a signed copy of the vehicle inspection report.

3 Later that day Respondent's employee, Luis Gonzales (Luis), told the operator that the  
4 vehicle needed rear brakes, because the shoes were thin. The operator was told the price for  
5 replacing the rear brake shoes, resurfacing the rear drums, changing the brake fluid and changing  
6 the engine oil would be \$277.55. The operator verbally authorized the additional repairs and was  
7 not given any further documentation.

8 64. On April 19, 2012, the operator returned to Respondent's facility, paid \$277.55 and  
9 received Invoice number [REDACTED]. The operator also received a copy of a vehicle inspection  
10 report. The vehicle inspection report recommended that the rear suspension struts and the  
11 radiator hoses be replaced. The operator called Luis and confirmed with him that the struts and  
12 hoses needed to be replaced. None of the items listed were in need of replacement or servicing.

13 65. On or about April 19, 2012, a BAR lab technician re-inspected the Honda. He found  
14 that Respondent had overfilled the engine oil and had not performed a brake fluid bleed as  
15 invoiced but only removed and replaced the brake fluid.

16 66. The BAR lab technician also found that Respondent performed the following  
17 unnecessary repairs; replacing the rear brake shoes and resurfacing the rear drums.

18 **TWENTY-FOURTH CAUSE FOR DISCIPLINE**

19 **(Untrue or Misleading Statements)**

20 67. Respondent's registration is subject to discipline under Code section 9884.7,  
21 subdivision (a)(1), in that on or about April 18, 2012, Respondent made or authorized statements  
22 which he knew, or which by exercise of reasonable care should have known to be untrue or  
23 misleading, as set forth in paragraphs 63 through 66, above. Respondent told the operator that the  
24 Honda needed rear brakes, the rear drums turned and new brake fluid, when in fact all of these  
25 parts and systems were new and/or in good serviceable condition. Respondent also informed the  
26 operator that the rear suspension struts and the radiator hoses needed to be replaced, when in fact  
27 the rear struts and hoses were new and/or in good serviceable condition.

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1 **TWENTY-FIFTH CAUSE FOR DISCIPLINE**

2 **(Fraud)**

3 68. Respondent's registration is subject to discipline under Code section 9884.7,  
4 subdivision (a)(4), in that on or about April 18, 2012, Respondent made false and misleading  
5 representations to the operator regarding the unnecessary brake repairs and the power bleeding  
6 and evacuation of the brake system that was not performed on the Honda and on or about April  
7 18, 2012, accepted payment for those parts and services as set forth in paragraphs 63 through 66,  
8 above.

9 **TWENTY-SIXTH CAUSE FOR DISCIPLINE**

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

11 69. Respondent has subjected his registration to discipline pursuant to Business and  
12 Professions Code section 9884.7, subdivision (a)(6), in that on April 18, 2012, Respondent failed  
13 to comply with the following sections of the California Code of Regulations, title 16, as set forth  
14 in paragraphs 63 through 66, above:

15 a) **Section 3373:** Respondent created a false and misleading record by recommending  
16 the services and repairs for the Honda by stating that the vehicle's rear brakes needed repair and  
17 the brake hydraulic system had been power bled and evacuated, when in fact, the brake hydraulic  
18 system had not been power bled as invoiced. The only service the Honda needed was an engine  
19 oil and filter change.

20 **TWENTY-SEVENTH CAUSE FOR DISCIPLINE**

21 **(Violations of the Automobile Repair Act)**

22 70. Respondent's registration is subject to discipline under Code section 9884.7,  
23 subdivision (a)(6), in that on or about April 18, 2012, Respondent failed to comply with the  
24 Automotive Repair Act as set forth in paragraphs 63 through 66, above.

25 **UNDERCOVER OPERATION – MAY 15, 2012**

26 71. On or about May 15, 2012, a BAR undercover operator (operator) drove a BAR  
27 documented 1997 GMC pickup (GMC) into Respondent's facility in Fontana, California and  
28 asked the Respondent for an engine oil change and a vehicle inspection. The undercover vehicle

1 had been previously documented as being only in need of an engine oil and filter change. The  
2 operator initialed and signed a work order but was given a copy of the unsigned work order with  
3 his initials. The total price on the work order was for \$36.62. The operator also agreed to and  
4 signed a vehicle inspection report that was offered free of charge with the oil change. The  
5 operator received a signed copy of the vehicle inspection report.

6 Later that day Respondent's employee, Luis, told the operator that the vehicle needed a  
7 flush and fill of the transmission, the power steering system, the differential, the cooling system  
8 and the brake hydraulic system. The operator was also told these services were necessary  
9 because the fluids could have metal shavings that could ruin the power steering pump and  
10 transmission. The total cost for these services was quoted at \$580.00. The operator verbally  
11 authorized the additional repairs over the telephone.

12 72. Later that day the operator returned to Respondent's facility, paid \$610.86 and  
13 received Invoice number [REDACTED]. The operator also received a copy of a vehicle inspection  
14 report. The vehicle inspection report recommended repairs in that the vehicle's front wheel  
15 bearings were loose and the rear brakes needed adjustment. None of the items listed were in need  
16 of replacement or servicing.

17 73. On or about May 16, 2012, a BAR lab technician re-inspected the GMC. She found  
18 that Respondent had not performed a brake fluid bleed as invoiced but only removed and replaced  
19 the brake fluid.

20 74. The BAR lab technician also found that Respondent performed the following  
21 unnecessary repairs; a flush and fill of the transmission, the power steering system, the  
22 differential, the cooling system and the brake hydraulic system.

23 **TWENTY-EIGHTH CAUSE FOR DISCIPLINE**

24 **(Untrue or Misleading Statement)**

25 75. Respondent's registration is subject to discipline under Code section 9884.7,  
26 subdivision (a)(1), in that on or about May 15, 2012, Respondent made or authorized statements  
27 which he knew, or which by exercise of reasonable care should have known to be untrue or  
28 misleading, as set forth in paragraphs 71 through 74, above. Respondent told the operator that the

1 GMC needed a flush and fill of the transmission, the power steering system, the differential, the  
2 cooling system and the brake hydraulic system, when in fact all of these parts and systems were  
3 new and/or in good serviceable condition. Respondent also informed the operator that the  
4 vehicle's front wheel bearings were loose and the rear brakes needed adjustment, when in fact the  
5 bearings and the rear brakes were new and/or in good serviceable condition.

6 **TWENTY-NINTH CAUSE FOR DISCIPLINE**

7 **(Fraud)**

8 76. Respondent's registration is subject to discipline under Code section 9884.7,  
9 subdivision (a)(4), in that on or about May 15, 2012, Respondent made false and misleading  
10 representations to the operator regarding the unnecessary flush and fill of the transmission, the  
11 power steering system, the differential, the cooling system and the brake hydraulic system that  
12 was performed on the GMC and on or about May 15, 2012, accepted payment for those parts and  
13 services as set forth in paragraphs 71 through 74, above. Respondent also did not provide the  
14 invoiced differential gasket silicone nor did he perform a complete power bleeding of the brake  
15 hydraulic system on the GMC.

16 **THIRTIETH CAUSE FOR DISCIPLINE**

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

18 77. Respondent has subjected his registration to discipline pursuant to Business and  
19 Professions Code section 9884.7, subdivision (a)(6), in that on May 15, 2012, Respondent failed  
20 to comply with the following sections of the California Code of Regulations, title 16, as set forth  
21 in paragraphs 71 through 74, above:

22 a) **Section 3373:** Respondent created a false and misleading record by recommending  
23 the services and repairs for the GMC by stating that the vehicle's front wheel bearings were loose  
24 and the rear brakes needed adjustment, when in fact the bearings and the brakes were new and/or  
25 in good serviceable condition.

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1 **THIRTY-SECOND CAUSE FOR DISCIPLINE**

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

3 82. Respondent has subjected his registration to discipline pursuant to Business and  
4 Professions Code section 9884.7, subdivision (a)(6), in that on January 25, 2012, Respondent  
5 failed to comply with the following sections of the Code, as set forth in paragraphs 78 through 80,  
6 above:

7 a) **Section 9884.7, subdivision (a)(3):** Respondent failed to give to the operator a  
8 signed copy of the work order.

9 b) **Section 9884.7, subdivision (a)(7):** Respondent failed to follow accepted trade  
10 standards in that he overfilled the engine oil.

11 **THIRTY-THIRD CAUSE FOR DISCIPLINE**

12 **(Violation of Regulations)**

13 83. Respondent has subjected his registration to discipline pursuant to Business and  
14 Professions Code section 9884.7, subdivision (a)(6), in that on January 25, 2012, Respondent  
15 failed to comply with the following sections of the California Code of Regulations, title 16, as set  
16 forth in paragraphs 78 through 80, above:

17 a) **Section 3373:** Respondent created a false and misleading record by recommending  
18 the unnecessary services and repairs for the Toyota to the cooling system, the transmission fluid,  
19 the power steering fluid, a fuel system tune-up, the front and rear struts, the brake fluid and rear  
20 brake cleaning and adjustment. The only service the Toyota needed was an engine oil and filter  
21 change.

22 **UNDERCOVER OPERATION – AUGUST 8, 2012**

23 84. On or about August 8, 2012, a BAR undercover operator (operator) drove a BAR  
24 documented 2001 Honda (Honda) into Respondent's facility in Buena Park, California and asked  
25 the Respondent for an engine oil change. The undercover vehicle had been previously  
26 documented as being only in need of an engine oil and filter change. The operator signed and  
27 initialed a work order but was given a copy that did not contain his signature or initials. The total  
28 price on the work order was for \$23.53. Later that day Respondent's employee, Eric, told the

1 operator the timing belt could crack and offered to inspect the belt for \$98.00. The operator  
2 agreed to the inspection.

3 85. Later that day the operator returned to Respondent's facility, paid \$121.53 for the oil  
4 change and timing belt inspection and received Invoice number [REDACTED]. The operator also  
5 received a copy of a vehicle inspection report. The vehicle inspection report recommended that  
6 the following repairs or services were required: the cooling system, the transmission fluid, the  
7 power steering fluid, a fuel system tune-up, the brake fluid, a wheel alignment and replacement of  
8 the timing belt. None of the items listed were in need of replacement or servicing.

9 86. On or about August 9, 2012, a BAR lab technician re-inspected the Honda. She  
10 found that Respondent had overfilled the engine oil.

11 **THIRTY-FOURTH CAUSE FOR DISCIPLINE**

12 **(Failure to Comply with the Code)**

13 87. Respondent has subjected his registration to discipline pursuant to Business and  
14 Professions Code section 9884.7, subdivision (a)(6), in that on August 8, 2012, Respondent failed  
15 to comply with the following sections of the Code, as set forth in paragraphs 84 through 86,  
16 above:

17 a) **Section 9884.7, subdivision (a)(3):** Respondent failed to give to the operator a  
18 signed copy of the work order.

19 b) **Section 9884.7, subdivision (a)(7):** Respondent failed to follow accepted trade  
20 standards in that he overfilled the engine oil.

21 **THIRTY-FIFTH CAUSE FOR DISCIPLINE**

22 **(Violation of Regulations)**

23 88. Respondent has subjected his registration to discipline pursuant to Business and  
24 Professions Code section 9884.7, subdivision (a)(6), in that on August 8, 2012, Respondent failed  
25 to comply with the following sections of the California Code of Regulations, title 16, as set forth  
26 in paragraphs 84 through 86, above:

27 a) **Section 3373:** Respondent created a false and misleading record by recommending  
28 the unnecessary services and repairs for the Honda to the cooling system, the transmission fluid,

1 the power steering fluid, a fuel system tune-up, the brake fluid, a wheel alignment and  
2 replacement of the timing belt. The only service the Honda needed was an engine oil and filter  
3 change.

4 **RESPONDENT'S HUNTINGTON BEACH FACILITY**

5 **UNDERCOVER OPERATION – FEBRUARY 23, 2012**

6 89. On or about February 23, 2012, a BAR undercover operator (operator) drove a BAR  
7 documented 2002 Nissan (Nissan) into Respondent's facility in Huntington Beach, California and  
8 asked the Respondent for an advertised oil change, specially priced at \$15.88. The undercover  
9 vehicle had been previously documented as being only in need of an engine oil and filter change.  
10 The operator was not asked to sign a work order but was given a copy of the unsigned work  
11 order. The total price on the work order was for \$18.51. Later that day Respondent's employee,  
12 Doug, spoke to the operator and told him that the struts were weak and should be replaced. Doug  
13 also said he would have to do an alignment. He also told the operator that the tires were nine  
14 years old and should be replaced because of their age. The operator agreed to all of the  
15 recommended repairs.

16 90. Later that day the operator returned to Respondent's facility, paid \$1,406.31 for the  
17 new struts, tires and an alignment. The operator also received a copy of a vehicle inspection  
18 report. The vehicle inspection report recommended that the Nissan needed a fuel system tune-up.  
19 None of the items listed were in need of replacement or servicing.

20 91. On or about February 23, 2012, a BAR lab technician re-inspected the Nissan. He  
21 found that Respondent had overfilled the engine oil, improperly balanced the left front tire, and  
22 the alignment was no longer within the manufacturer's specification after the repair.

23 92. The BAR lab technician also found that Respondent performed the following  
24 unnecessary repairs; replacing all four struts, all four tires and an alignment.

25 **THIRTY-SIXTH CAUSE FOR DISCIPLINE**

26 **(Untrue or Misleading Statements)**

27 93. Respondent's registration is subject to discipline under Code section 9884.7,  
28 subdivision (a)(1), in that on or about February 23, 2012, Respondent made or authorized

1 statements which he knew, or which by exercise of reasonable care should have known to be  
2 untrue or misleading, as set forth in paragraphs 89 through 92, above. Respondent told the  
3 operator that the Nissan needed replacement of all four struts and all four tires and a four wheel  
4 alignment, when in fact all of these parts and systems were new and/or in good serviceable  
5 condition.

6 **THIRTY-SEVENTH CAUSE FOR DISCIPLINE**

7 **(Fraud)**

8 94. Respondent's registration is subject to discipline under Code section 9884.7,  
9 subdivision (a)(4), in that on or about February 23, 2012, Respondent made false and misleading  
10 representations to the operator regarding the condition of the struts, tires and the alignment, and  
11 on or about February 23, 2012, accepted payment for those parts and services as set forth in  
12 paragraphs 89 through 92, above.

13 **THIRTY-EIGHTH CAUSE FOR DISCIPLINE**

14 **(Failure to Comply with the Code)**

15 95. Respondent has subjected his registration to discipline pursuant to Business and  
16 Professions Code section 9884.7, subdivision (a)(6), in that on February 23, 2012, Respondent  
17 failed to comply with the following sections of the Code, as set forth in paragraphs 89 through 92,  
18 above:

19 a) **Section 9884.7, subdivision (a)(3):** Respondent failed to give to the operator a copy  
20 of the signed work order.

21 b) **Section 9884.7, subdivision (a)(7):** Respondent failed to follow accepted trade  
22 standards in that he overfilled the engine oil, improperly balanced the left front tire, and did not  
23 adjust the alignment to manufacturer specifications.

24 **THIRTY-NINTH CAUSE FOR DISCIPLINE**

25 **(Violation of Regulations)**

26 96. Respondent has subjected his registration to discipline pursuant to Business and  
27 Professions Code section 9884.7, subdivision (a)(6), in that on February 23, 2012, Respondent  
28

1 failed to comply with the following sections of the California Code of Regulations, title 16, as set  
2 forth in paragraphs 89 through 92, above:

3 a) **Section 3353, subdivision (a):** Respondent failed to give the operator a signed  
4 written estimate or work order.

5 b) **Section 3372.1, subdivision (a):** Respondent's advertisement for an oil change for  
6 \$15.88 was unfair and misleading in that it was used as a bait and switch tactic to induce the  
7 operator into purchasing unnecessary and more costly repairs.

8 c) **Section 3373:** Respondent created a false and misleading record by recommending  
9 the services and repairs for the Nissan by stating that the vehicle needed replacement of all four  
10 struts, and all four tires and a four wheel alignment. Respondent also recommended that the  
11 Nissan needed a fuel system tune-up. The only service the Nissan needed was an engine oil and  
12 filter change.

13 **UNDERCOVER OPERATION – SEPTEMBER 26, 2012**

14 97. On or about September 26, 2012, a BAR undercover operator (operator) drove a BAR  
15 documented 2001 Hyundai (Hyundai) into Respondent's facility in Huntington Beach, California  
16 and asked the Respondent for an advertised oil change, specially priced at \$15.88. The  
17 undercover vehicle had been previously documented as being only in need of an engine oil and  
18 filter change. The operator signed and initialed a work order but was given a copy that did not  
19 contain his signature or initials. The total price on the work order was for \$18.20. The oil change  
20 included a tire rotation and a tire air pressure check.

21 98. Later that day the operator returned to Respondent's facility and paid \$18.20 for the  
22 oil change. The operator also received a copy of a vehicle inspection report. The vehicle  
23 inspection report recommended that the Hyundai needed a fuel system tune-up. The fuel system  
24 did not need servicing.

25 99. On or about September 26, 2012, a BAR lab technician re-inspected the Hyundai. He  
26 found that Respondent had not rotated the tires or checked the air pressure as indicated on the  
27 invoice.

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1 **FORTIETH CAUSE FOR DISCIPLINE**

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

3 100. Respondent has subjected his registration to discipline pursuant to Business and  
4 Professions Code section 9884.7, subdivision (a)(6), in that on September 26, 2012, Respondent  
5 failed to comply with the following sections of the Code, as set forth in paragraphs 97 through 99:

6 a) **Section 9884.7, subdivision (a)(3):** Respondent failed to give to the operator a copy  
7 of the signed work order.

8 b) **Section 9884.7, subdivision (a)(7):** Respondent failed to follow accepted trade  
9 standards in that he had not rotated the tires or checked the air pressure.

10 **FORTY-FIRST CAUSE FOR DISCIPLINE**

11 **(Violation of Regulations)**

12 101. Respondent has subjected his registration to discipline pursuant to Business and  
13 Professions Code section 9884.7, subdivision (a)(6), in that on September 26, 2012, Respondent  
14 failed to comply with the following sections of the California Code of Regulations, title 16, as set  
15 forth in paragraphs 97 through 99, above:

16 a) **Section 3353, subdivision (a):** Respondent failed to give the operator a signed  
17 written estimate or work order.

18 b) **Section 3373:** Respondent created a false and misleading record by recommending  
19 that the Hyundai needed a fuel system tune-up. The only service the Hyundai needed was an  
20 engine oil and filter change.

21 **RESPONDENT'S MORENO VALLEY FACILITY**

22 **UNDERCOVER OPERATION – MAY 22, 2013**

23 102. On or about May 22, 2013, a BAR undercover operator (operator) drove a BAR  
24 documented 2006 Toyota (Toyota) into Respondent's facility in Moreno Valley, California and  
25 asked the Respondent for an oil and oil filter change. The undercover vehicle had been  
26 previously documented as being only in need of an engine oil change. The operator signed and  
27 initialed a work order but was given a copy that did not contain his signature or initials. The total  
28 price on the work order was for \$18.28. Later that day Respondent's employee, Armando, spoke

1 to the operator and told him that the throttle looked gummed up and had to be cleaned and that the  
2 fuel injectors needed to be flushed out. The operator agreed to the recommended repairs.

3 103. Later that day the operator returned to Respondent's facility, paid \$163.46 for the oil  
4 change, the throttle body cleaning and the fuel injector flush. The throttle body cleaning and the  
5 fuel injector flush were not in need of replacement or servicing.

6 104. On or about May 28, 2013, a BAR lab technician re-inspected the Toyota. He found  
7 that Respondent had overfilled the engine oil, added an oil additive that was not called for and did  
8 not notify the operator the additive was being used.

9 105. The BAR lab technician also found that Respondent did not perform the throttle body  
10 cleaning and the fuel injector flush.

11 **FORTY-SECOND CAUSE FOR DISCIPLINE**

12 **(Untrue or Misleading Statements)**

13 106. Respondent's registration is subject to discipline under Code section 9884.7,  
14 subdivision (a)(1), in that on or about May 22, 2013, Respondent made or authorized statements  
15 which he knew, or which by exercise of reasonable care should have known to be untrue or  
16 misleading, as set forth in paragraphs 102 through 105, above. Respondent told the operator that  
17 the Toyota needed the throttle body cleaned and the fuel injectors flushed out, when in fact all of  
18 these parts and systems were in good serviceable condition.

19 **FORTY-THIRD CAUSE FOR DISCIPLINE**

20 **(Fraud)**

21 107. Respondent's registration is subject to discipline under Code section 9884.7,  
22 subdivision (a)(4), in that on or about May 22, 2013, Respondent made false and misleading  
23 representations to the operator regarding the unnecessary service to the throttle body and the fuel  
24 injectors, that were not performed on the Toyota, and on or about May 22, 2013, accepted  
25 payment for those parts and services as set forth in paragraphs 102 through 105, above.

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1 **FORTY-FOURTH CAUSE FOR DISCIPLINE**

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

3 108. Respondent has subjected his registration to discipline pursuant to Business and  
4 Professions Code section 9884.7, subdivision (a)(6), in that on May 22, 2013, Respondent failed  
5 to comply with the following sections of the Code, as set forth in paragraphs 102 through 105,  
6 above:

7 a) **Section 9884.7, subdivision (a)(3):** Respondent failed to give to the operator a copy  
8 of the signed work order.

9 b) **Section 9884.7, subdivision (a)(7):** Respondent failed to follow accepted trade  
10 standards in that he overfilled the engine oil.

11 **FORTY-FIFTH CAUSE FOR DISCIPLINE**

12 **(Violation of Regulations)**

13 109. Respondent has subjected his registration to discipline pursuant to Business and  
14 Professions Code section 9884.7, subdivision (a)(6), in that on May 22, 2013, Respondent failed  
15 to comply with the following sections of the California Code of Regulations, title 16, as set forth  
16 in paragraphs 102 through 105, above:

17 a) **Section 3353, subdivision (a):** Respondent failed to give the operator a signed  
18 written estimate or work order.

19 b) **Section 3373:** Respondent created a false and misleading record by recommending  
20 that the Toyota needed the throttle body cleaned and the fuel injectors flushed out. The only  
21 service the Toyota needed was an engine oil and filter change.

22 **UNDERCOVER OPERATION – AUGUST 5, 2013**

23 110. On or about August 5, 2013, a BAR undercover operator (operator) drove a BAR  
24 documented 2000 Honda (Honda) into Respondent's facility in Moreno Valley, California and  
25 asked the Respondent for an oil and oil filter change. The undercover vehicle had been  
26 previously documented as being only in need of an engine oil change. The operator signed and  
27 initialed a work order but was given a copy that did not contain his signature or initials. The total  
28 price on the work order was for \$39.90, which included an oil system cleaner. Later that day

1 Respondent's employee, Mark Voight (Voight), spoke to the operator and told him that all four of  
2 the suspension struts were leaking and needed to be replaced. Voight also told the operator that  
3 the timing belt, balance shaft belt and water pump needed to be replaced. The operator agreed to  
4 the recommended repairs.

5 111. Later that day the operator returned to Respondent's facility, paid \$2,336.20 for all of  
6 the repairs. The struts, timing belt, balance shaft belt and water pump were not in need of  
7 replacement or servicing.

8 112. On or about August 14, 2013, a BAR lab technician re-inspected the Honda. He  
9 found that Respondent had charged for a radiator chemical flush package that was not called for  
10 and did not obtain authorization from the operator to use the flush package.

11 113. Respondent also charged the operator for the inflation of the tires with nitrogen, a tire  
12 protection plan and a 3-year/4-wheel alignment policy. The operator had not been notified of  
13 these additional charges and did not authorize any of these charges.

14 **FORTY-SIXTH CAUSE FOR DISCIPLINE**

15 **(Untrue or Misleading Statements)**

16 114. Respondent's registration is subject to discipline under Code section 9884.7,  
17 subdivision (a)(1), in that on or about August 5, 2013, Respondent made or authorized statements  
18 which he knew, or which by exercise of reasonable care should have known to be untrue or  
19 misleading, as set forth in paragraphs 110 through 113, above. Respondent told the operator that  
20 the Honda needed the timing belt, balance shaft belt, water pump, and four suspension struts  
21 replaced, when in fact all of these parts and systems were in good serviceable condition.

22 **FORTY-SEVENTH CAUSE FOR DISCIPLINE**

23 **(Fraud)**

24 115. Respondent's registration is subject to discipline under Code section 9884.7,  
25 subdivision (a)(4), in that on or about August 5, 2013, Respondent made false and misleading  
26 representations to the operator regarding the unnecessary service to the timing belt, balance shaft  
27 belt, water pump, and struts, on the Honda, and on or about August 5, 2013, accepted payment for  
28 those parts and services as set forth in paragraphs 110 through 113, above.



1 **OTHER MATTERS**

2 119. Pursuant to Code section 9884.7(c), the Director may suspend, revoke, or place on  
3 probation the registrations for all places of business operated in this state by Certified Tire &  
4 Service Centers, Inc., dba Certified Tire & Service Centers, Inc., Jeffrey Alan Darrow, President,  
5 upon a finding that they have, or are, engaged in a course of repeated and willful violations of the  
6 laws and regulations pertaining to an automotive repair dealer.

7 **PRAYER**

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

10 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD  
11 206905, issued to Certified Tire & Service Centers, Inc., dba Certified Tire & Service Centers,  
12 Inc., Jeffrey Alan Darrow, President;

13 2. Revoking or suspending Automotive Repair Dealer Registration Number ARD  
14 224215, issued to Certified Tire & Service Centers, Inc., dba Certified Tire & Service Centers,  
15 Inc., Jeffrey Alan Darrow, President;

16 3. Revoking or suspending Automotive Repair Dealer Registration Number ARD  
17 199471, issued to Certified Tire & Service Centers, Inc., dba Certified Tire & Service Centers,  
18 Inc., Jeffrey Alan Darrow, President;

19 4. Revoking or suspending Automotive Repair Dealer Registration Number ARD  
20 224219, issued to Certified Tire & Service Centers, Inc., dba Certified Tire & Service Centers,  
21 Inc., Jeffrey Alan Darrow, President;

22 5. Revoking or suspending Automotive Repair Dealer Registration Number ARD  
23 203512, issued to Certified Tire & Service Centers, Inc., dba Certified Tire & Service Centers,  
24 Inc., Jeffrey Alan Darrow, President;

25 6. Revoking or suspending Automotive Repair Dealer Registration Number ARD  
26 256933, issued to Certified Tire & Service Centers, Inc., dba Certified Tire & Service Centers,  
27 Inc., Jeffrey Alan Darrow, President;

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7. Revoking, suspending, or placing on probation any other automotive repair dealer registration issued to Certified Tire & Service Centers, Inc., dba Certified Tire & Service Centers, Inc., Jeffrey Alan Darrow, President;

8. Ordering Certified Tire & Service Centers, Inc., dba Certified Tire & Service Centers, Inc., Jeffrey Alan Darrow, President, to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED: May 9, 2014

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

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