

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

In the Matter of the Accusation Against:

**MIKE EDWARD PULCHEON, Owner  
LAWLER WOODCREST SERVICE INC.**  
18400 Van Buren Blvd.  
Riverside, CA 92508

Automotive Repair Dealer Registration  
No. AJ 201908  
Smog Check, Test Only, Station License  
No. RC 201908

and

**FRANK ROMANO**  
4425 Picacho Drive  
Riverside, CA 92507

Advanced Emission Specialist Technician  
License No. EA 006021

Respondents.

Case No. 79/11-36

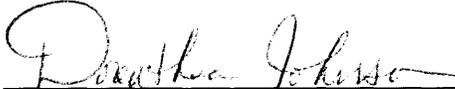
OAH No. 2011010777

**DECISION**

The attached Stipulated Settlement as to ARD 201908 and Stipulated Revocation as to RC 201908 and Disciplinary Order as to Mike Edward Pulcheon, Owner, Lawler Woodcrest Service, Inc. Only is hereby accepted and adopted as the Decision of the Director of the Department of Consumer Affairs in the above-entitled matter.

This Decision shall become effective 12/14/11.

DATED: November 3, 2011



**DOREATHEA JOHNSON**  
Deputy Director, Legal Affairs  
Department of Consumer Affairs

1 KAMALA D. HARRIS  
Attorney General of California  
2 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
3 MARICHELLE S. TAHIMIC  
Deputy Attorney General  
4 State Bar No. 147392  
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5 San Diego, CA 92101  
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6 San Diego, CA 92186-5266  
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7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

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:  
13 **MIKE EDWARD PULCHEON, OWNER,**  
**LAWLER WOODCREST SERVICE INC.;**  
14 18400 Van Buren Blvd.  
Riverside, CA 92508  
15  
16 **Automotive Repair Dealer Registration No.**  
**ARD 201908**  
17 **Smog Check, Test Only, Station No. RC**  
**201908**  
18  
19 **and**  
20 **FRANK ROMANO**  
4425 Picacho Drive  
21 Riverside, CA 92507  
22 **Advanced Emission Specialist Technician**  
**License No. EA 006021**

23  
24 Respondents.

Case No. 79/11-36

OAH No. 2011010777

**STIPULATED SETTLEMENT AS TO  
ARD 201908 AND STIPULATED  
REVOCAION AS TO RC 201908 AND  
DISCIPLINARY ORDER AS TO MIKE  
EDWARD PULCHEON, OWNER,  
LAWLER WOODCREST SERVICE, INC.  
ONLY**

25 In the interest of a prompt and speedy settlement of this matter, consistent with the public  
26 interest and the responsibilities of the Director of Consumer Affairs and the Bureau of  
27 Automotive Repair the parties hereby agree to the following Stipulated Settlement and  
28 Revocation and Disciplinary Order which will be submitted to the Director for his approval and

1 adoption as the final disposition of the Accusation solely with respect to Mike Edward Pulcheon,  
2 owner of Lawler Woodcrest Service, Inc. only.

3 PARTIES

4 1. Sherry Mehl (Complainant) is the Chief of the Bureau of Automotive Repair. She  
5 brought this action solely in her official capacity and is represented in this matter by Kamala D.  
6 Harris, Attorney General of the State of California, by Marichelle S. Tahimic, Deputy Attorney  
7 General.

8 2. Respondent Mike Edward Pulcheon, Owner, Lawler Woodcrest Service Inc.  
9 (Respondent) is represented in this proceeding by attorney Debra Rice, whose address is 3800  
10 Orange Street, Suite 220, Riverside, CA 92501, telephone (951) 683-2297.

11 3. On or about October 16, 1998, the Bureau of Automotive Repair issued Automotive  
12 Repair Dealer Registration No. ARD 201908 to Mike Edward Pulcheon, Owner, Lawler  
13 Woodcrest Service Inc. (Respondent). The Automotive Repair Dealer Registration was in full  
14 force and effect at all times relevant to the charges brought in Accusation No. 79/11-36 and will  
15 expire on October 31, 2011, unless renewed.

16 4. On or about October 16, 1998, the Bureau of Automotive Repair issued Smog Check  
17 Test Only Station License No. RC 201908 to Mike Edward Pulcheon, Owner, Lawler Woodcrest  
18 Service Inc. (Respondent). The Smog Check Test Only Station License was in full force and  
19 effect at all times relevant to the charges brought in Accusation No. 79/11-36 and will expire on  
20 October 31, 2011, unless renewed.

21 JURISDICTION

22 5. Accusation No. 79/11-36 was filed before the Director of Consumer Affairs  
23 (Director), for the Bureau of Automotive Repair (Bureau), and is currently pending against  
24 Respondent. The Accusation and all other statutorily required documents were properly served  
25 on Respondent on December 14, 2010. Respondent timely filed its Notice of Defense contesting  
26 the Accusation.

27 A copy of Accusation No. 79/11-36 is attached as exhibit A and incorporated herein by  
28 reference.



1 no force or effect, except for this paragraph, it shall be inadmissible in any legal action between  
2 the parties, and the Director shall not be disqualified from further action by having considered  
3 this matter.

4 12. The parties understand and agree that facsimile copies of this Stipulated Settlement  
5 and Revocation and Disciplinary Order, including facsimile signatures thereto, shall have the  
6 same force and effect as the originals.

7 13. This Stipulated Settlement and Revocation and Disciplinary Order is intended by the  
8 parties to be an integrated writing representing the complete, final, and exclusive embodiment of  
9 their agreement. It supersedes any and all prior or contemporaneous agreements, understandings,  
10 discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and  
11 Revocation and Disciplinary Order may not be altered, amended, modified, supplemented, or  
12 otherwise changed except by a writing executed by an authorized representative of each of the  
13 parties.

14 14. In consideration of the foregoing admissions and stipulations, the parties agree that  
15 the Director may, without further notice or formal proceeding, issue and enter the following  
16 Disciplinary Order:

17 **DISCIPLINARY ORDER**

18 IT IS HEREBY ORDERED that as to:

19 **A. Smog Check, Test Only, Station No. RC 201908:**

20 Smog Check, Test Only, Station No. RC 201908 issued to Respondent Mike Edward  
21 Pulcheon, Owner, Lawler Woodcrest Service Inc. is revoked.

22 **B. Automotive Repair Dealer Registration No. ARD 201908:**

23 Automotive Repair Dealer Registration No. ARD 201908 to Respondent Mike Edward  
24 Pulcheon, Owner, Lawler Woodcrest Service Inc. (Respondent) is revoked. However, the  
25 revocation is stayed and Respondent is placed on probation for three (3) years on the following  
26 terms and conditions.

27 1. **Actual Suspension.** Automotive Repair Dealer Registration No. ARD 201908 issued  
28 to Respondent Mike Edward Pulcheon is suspended for ten (10) days commencing on the

1 effective date of this Decision.

2       2.    **Obey All Laws.** Comply with all statutes, regulations and rules governing  
3 automotive inspections, estimates and repairs.

4       3.    **Post Sign.** Post a prominent sign, provided by the Bureau, indicating the beginning  
5 and ending dates of the suspension and indicating the reason for the suspension. The sign shall be  
6 conspicuously displayed in a location open to and frequented by customers and shall remain  
7 posted during the entire period of actual suspension.

8       4.    **Reporting.** Respondent or Respondent's authorized representative must report in  
9 person or in writing as prescribed by the Bureau of Automotive Repair, on a schedule set by the  
10 Bureau, but no more frequently than each quarter, on the methods used and success achieved in  
11 maintaining compliance with the terms and conditions of probation.

12       5.    **Report Financial Interest.** Within 30 days of the effective date of this action, report  
13 any financial interest which any partners, officers, or owners of the Respondent facility may have  
14 in any other business required to be registered pursuant to Section 9884.6 of the Business and  
15 Professions Code.

16       6.    **Random Inspections.** Provide Bureau representatives unrestricted access to inspect  
17 all vehicles (including parts) undergoing repairs, up to and including the point of completion.

18       7.    **Jurisdiction.** If an accusation is filed against Respondent during the term of  
19 probation, the Director of Consumer Affairs shall have continuing jurisdiction over this matter  
20 until the final decision on the accusation, and the period of probation shall be extended until such  
21 decision.

22       8.    **Violation of Probation.** Should the Director of Consumer Affairs determine that  
23 Respondent has failed to comply with the terms and conditions of probation, the Department may,  
24 after giving notice and opportunity to be heard, temporarily or permanently invalidate the  
25 registration.

26       9.    **False and Misleading Advertising.** If the accusation involves false and misleading  
27 advertising, during the period of probation, Respondent shall submit any proposed advertising  
28 copy, whether revised or new, to the Bureau at least thirty (30) days prior to its use.

OCT-21-2011 12:22 FROM:

TO: 15667824011

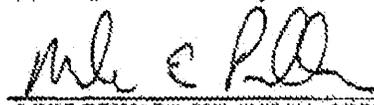
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1 10. **Restrictions.** In light of the Stipulated Revocation of Respondent's Smog Check,  
2 **Test Only, Station License No. RC 201908,** Respondent shall not perform any form of smog  
3 inspection, or emission system diagnosis or repair.

4 11. **Cost Recovery.** Respondent shall pay the amount of \$4,786.28 to the Bureau to  
5 reimburse it for its costs of investigation and enforcement payable in 24 monthly installments.  
6 Payment to the Bureau of the full amount of cost recovery shall be received no later than 12  
7 months before probation terminates. Failure to complete payment of cost recovery within this  
8 time frame shall constitute a violation of probation which may subject Respondent's registration  
9 to revocation after notice and an opportunity to be heard; however, the Director or the Director's  
10 Bureau of Automotive Repair designee may elect to continue probation until such time as  
11 reimbursement of the entire cost recovery amount has been made to the Bureau.

12 **ACCEPTANCE**

13 I have carefully read the above Stipulated Settlement and Revocation and Disciplinary  
14 Order and have fully discussed it with my attorney, Debra Rice. I understand the stipulation and  
15 the effect it will have on my Automotive Repair Dealer Registration and Smog Check, Test Only,  
16 Station License. I enter into this Stipulated Settlement and Revocation and Disciplinary Order  
17 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the  
18 Director of Consumer Affairs.

19 DATED: 10-19-11   
20 MIKE EDWARD PULCHEON, OWNER, LAWLER  
WOODCREST SERVICE INC., Respondent

21 I have read and fully discussed with Respondent Mike Edward Pulcheon, Owner, Lawler  
22 Woodcrest Service, Inc. the terms and conditions and other matters contained in the above  
23 Stipulated Settlement and Revocation and Disciplinary Order. I approve its form and content.

24  
25 DATED: 10/19/11   
26 DEBRA RICE  
27 Attorney for Respondent  
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ENDORSEMENT

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

Dated: *8/29/2011*

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
JAMES M. LEDAKIS  
Supervising Deputy Attorney General

*Marichelle S. Tahimic*

MARICHELE S. TAHIMIC  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 79/11-36**

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
3 LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
4 State Bar No. 101336  
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P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-3037  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

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

11 79/11-36

12 In the Matter of the Accusation Against:

Case No.

13 **MIKE EDWARD PULCHEON, President**  
14 **LAWLER WOODCREST SERVICE, INC.**  
18400 Van Buren Blvd.  
15 Riverside, California 92508  
**Automotive Repair Dealer Registration No. ARD**  
16 **201908**  
**Smog Test and Repair Station License No. RC 201908**  
17  
18 **FRANK R. ROMANO**  
4425 Picacho Drive  
19 Riverside, California 92507  
**Advanced Emission Specialist Technician License No.**  
20 **EA 006021**

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

SMOG CHECK

21 Respondents.

22  
23 Sherry Mehl ("Complainant") alleges:

24 **PARTIES**

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

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

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

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

14 7. Section 44002 of the Health and Safety Code provides, in pertinent part, that the  
15 Director has all the powers and authority granted under the Automotive Repair Act for enforcing  
16 the Motor Vehicle Inspection Program.

17 8. Section 44072.2 of the Health and Safety Code states, in pertinent part:

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

21 (a) Violates any section of this chapter [the Motor Vehicle Inspection Program (Health  
22 and Saf. Code, § 44000, et seq.)] and the regulations adopted pursuant to it, which related to the  
23 licensed activities.

24 (c) Violates any of the regulations adopted by the director pursuant to this chapter.

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

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1 constituting clean plugging<sup>2</sup>. All of the following inspections were performed by Respondent  
2 Romano.

3 **TABLE 1**

<b>Date and Time of Inspection</b>	<b>Vehicle Certified License No.</b>	<b>Certificate No.</b>
1. 08/08/2009 1045 – 1052	2001 Toyota Tundra License No. 6S05124	WB810582C
2. 08/18/2009 1349 – 1401	1997 Honda Civic License No. 4SLH272	WD011304C
3. 08/20/2009 1423 – 1442	2001 Dodge Dakota pickup License No. 6T80346	WD011321C
4. 09/30/2009 1557 – 1609	2001 Chevrolet S10 pickup License No. 6K29704	WD515035C
5. 09/30/2009 1633 – 1646	1999 Chevrolet C1500 License No. 6B38208	WD515036C
6. 10/01/2009 1127 – 1147	1996 Chrysler Sebring License No. 6BEH491	WD515044C
7. 02/17/2010 1527 – 1536	1998 Mitsubishi Mirage License No.6EOP715	WH307286C

13  
14 **FIRST CAUSE FOR DISCIPLINE**

15 **(Untrue or Misleading Statements)**

16 13. Respondent's registration is subject to discipline pursuant to Code section  
17 9884.7(a)(1), in that between August 8, 2009, and February 17, 2010, Respondent made or  
18 authorized statements which it knew or in the exercise of reasonable care should have known to  
19 be untrue or misleading, as follows: Respondent certified that vehicles 1 through 7, set forth  
20 above in Table 1, had passed inspection and were in compliance with applicable laws and  
21 regulations. In fact, Respondent conducted the inspections on the vehicles using the clean  
22 plugging method by substituting or using different vehicles during the OBD II functional tests in  
23 order to issue smog certificates of compliance for the 7 vehicles, and did not test or inspect the 7  
24 vehicles as required by Health and Safety Code section 44012.

25 <sup>2</sup> Clean plugging is the use of the OBD II readiness monitor status and stored fault code  
26 (trouble code) status of a passing vehicle for the purposes of illegally issuing a smog certificate to  
27 another vehicle that is not in compliance due to a failure to complete the minimum number of self  
28 test, known as monitors, or due to the presence of a stored fault code that indicates an emission  
control system or component failure.



1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Failure to Comply with Regulations Pursuant to the**  
3 **Motor Vehicle Inspection Program)**

4 16. Respondent's station license is subject to discipline pursuant to Health and Safety  
5 Code section 44072.2(c), in that between August 8, 2009, and February 17, 2010, regarding  
6 vehicles 1 through 7, set forth above in Table 1, Respondent failed to comply with provisions of  
7 California Code of Regulations, title 16, as follows:

8 a. **Section 3340.24(c)**: Respondent falsely or fraudulently issued electronic certificates of  
9 compliance for those vehicles without performing bona fide inspections of the emission control  
10 devices and systems on the vehicles as required by Health and Safety Code section 44012.

11 b. **Section 3340.35(c)**: Respondent issued electronic certificates of compliance even  
12 though those vehicles had not been inspected in accordance with section 3340.42 of that Code.

13 c. **Section 3340.42**: Respondent failed to conduct the required smog tests and inspections  
14 on those vehicles in accordance with the Bureau's specifications.

15 **FIFTH CAUSE FOR DISCIPLINE**

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

17 17. Respondent's station license is subject to discipline pursuant to Health and Safety  
18 Code section 44072.2(d), in that between August 8, 2009, and February 17, 2010, regarding  
19 vehicles 1 through 7, set forth above in Table 1, Respondent committed acts involving dishonesty,  
20 fraud or deceit whereby another was injured by issuing electronic certificates of compliance for  
21 those vehicles without performing bona fide inspections of the emission control devices and  
22 systems on the vehicles, thereby depriving the People of the State of California of the protection  
23 afforded by the Motor Vehicle Inspection Program.

24 **SIXTH CAUSE FOR DISCIPLINE**

25 **(Violations of the Motor Vehicle Inspection Program)**

26 18. Respondent Romano's technician license is subject to discipline pursuant to Health  
27 and Safety Code section 44072.2(a), in that between August 8, 2009, and February 17, 2010,  
28 regarding vehicles 1 through 7, set forth above in Table 1, he failed to comply with section 44012

1 of that Code in a material respect, as follows: Respondent Romano failed to perform the emission  
2 control tests on those vehicles in accordance with procedures prescribed by the department.

3 **SEVENTH CAUSE FOR DISCIPLINE**

4 **(Failure to Comply with Regulations Pursuant to the  
5 Motor Vehicle Inspection Program)**

6 19. Respondent Romano's technician license is subject to discipline pursuant to Health  
7 and Safety Code section 44072.2(c), in that between August 8, 2009, and February 17, 2010,  
8 regarding vehicles 1 through 7, set forth above in Table 1, he failed to comply with provisions of  
9 California Code of Regulations, title 16, as follows:

10 a. **Section 3340.24(c)**: Respondent Romano falsely or fraudulently issued electronic  
11 certificates of compliance without performing bona fide inspections of the emission control  
12 devices and systems on those vehicles as required by Health and Safety Code section 44012.

13 b. **Section 3340.30(a)**: Respondent Romano failed to inspect and test those vehicles in  
14 accordance with Health and Safety Code sections 44012.

15 c. **Section 3340.42**: Respondent Romano failed to conduct the required smog tests and  
16 inspections on those vehicles in accordance with the Bureau's specifications.

17 **EIGHTH CAUSE FOR DISCIPLINE**

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

19 20. Respondent Romano's technician license is subject to discipline pursuant to Health  
20 and Safety Code section 44072.2(d), in that between August 8, 2009, and February 17, 2010,  
21 regarding vehicles 1 through 7, set forth above in Table 1, he committed acts involving  
22 dishonesty, fraud or deceit whereby another was injured by issuing electronic certificates of  
23 compliance without performing bona fide inspections of the emission control devices and systems  
24 on those vehicles, thereby depriving the People of the State of California of the protection  
25 afforded by the Motor Vehicle Inspection Program.

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1 **OTHER MATTERS**

2 21. 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 Lawler Woodcrest  
4 Service, Inc., upon a finding that it has, or is, engaged in a course of repeated and willful violation  
5 of the laws and regulations pertaining to an automotive repair dealer.

6 22. Pursuant to Health and Safety Code section 44072.8, if Smog Test and Repair  
7 Station License Number RC 201908, issued to Lawler Woodcrest Service, Inc., is revoked or  
8 suspended, any additional license issued under this chapter in the name of said licensee may be  
9 likewise revoked or suspended by the director.

10 23. Pursuant to Health and Safety Code section 44072.8, if Advanced Emission Specialist  
11 Technician License Number EA 006021, issued to Frank R. Romano, is revoked or suspended,  
12 any additional license issued under this chapter in the name of said licensee may be likewise  
13 revoked or suspended by the director.

14 **PRAYER**

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

17 1. Revoking or suspending Automotive Repair Dealer Registration No. ARD  
18 201908, issued to Lawler Woodcrest Service, Inc.;

19 2. Revoking or suspending any other automotive repair dealer registration issued to  
20 Lawler Woodcrest Service, Inc.;

21 3. Revoking or suspending Smog Test and Repair Station License Number RC  
22 201908, issued to Lawler Woodcrest Service, Inc.;

23 4. Revoking or suspending Advanced Emission Specialist Technician License  
24 Number EA 006021, issued to Frank R. Romano;

25 5. Revoking or suspending any additional license issued under Chapter 5 of the  
26 Health and Safety Code in the name of Frank R. Romano;

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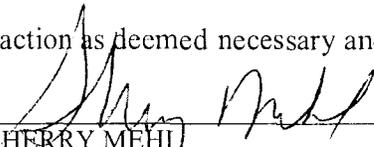
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6. Ordering Lawler Woodcrest Service, Inc. and Frank R. Romano to pay the Director of Consumer Affairs the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,

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

DATED: 11-16-10

  
SHERRY MEHL  
Chief  
Bureau of Automotive Repair  
Department of Consumer Affairs  
State of California  
*Complainant*

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