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

12 In the Matter of the Accusation Against:

Case No. 77/08-08

13 **FS GROUP, INC., dba**  
**PRECISION MOTORS**  
14 8740 Jamacha Road, Suite A  
Spring Valley, California 91977  
15 **RICARDO SANCHEZ MEDINA, PRESIDENT**  
Automotive Repair Dealer Registration  
16 No. AK 202114

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

17 and

18 **FS GROUP, INC., dba**  
**PRECISION MOTORS**  
19 619 K Street  
Chula Vista, California 91911  
20 **RICARDO SANCHEZ MEDINA, PRESIDENT**  
Automotive Repair Dealer Registration  
21 No. AK 202116  
Smog Check Station License No. RK 202116

22  
23 Respondents.

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25 Sherry Mehl ("Complainant") alleges:

26 **PARTIES**

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



1 (7) Any willful departure from or disregard of accepted trade standards for  
2 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.

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

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

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

14 7. Code section 477 provides, in pertinent part, that "Board" includes  
15 "bureau," "commission," "committee," "department," "division," "examining committee,"  
16 "program," and "agency." "License" includes certificate, registration or other means to engage  
17 in a business or profession regulated by the Code.

18 8. Section 44002 of the Health and Safety Code provides, in pertinent part,  
19 that the Director has all the powers and authority granted under the Automotive Repair Act for  
20 enforcing the Motor Vehicle Inspection Program.

21 9. Section 44072.2 of the Health and Safety Code states, in pertinent part:

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

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

26 10. California Code of Regulations, title 16, section 3366, states, in pertinent  
27 part:

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1 (a) Except as provided in subsection (b) of this section, any automotive  
2 repair dealer that advertises or performs, directly or through a sublet contractor,  
3 automotive air conditioning work or uses the words service, inspection, diagnosis,  
4 top off, performance check or any expression or term of like meaning in any form  
5 of advertising or on a written estimate or invoice shall include and perform all of  
6 the following procedures as part of that air conditioning work:

7 (15) High and low side system operating pressures, as applicable, have  
8 been measured and recorded on the final invoice; and,

9 (16) The center air distribution outlet temperature has been measured and  
10 recorded on the final invoice.

11 11. California Code of Regulations, title 16, section 3372.1, subdivision (a),  
12 states:

13 An automotive repair dealer shall not advertise automotive service at a  
14 price which is misleading. Price advertising is misleading in circumstances which  
15 include but are not limited to the following:

16 (a) The automotive repair dealer does not intend to sell the advertised  
17 service at the advertised price but intends to entice the consumer into a more  
18 costly transaction.

19 12. Section 44072.6 of the Health and Safety Code provides, in pertinent part,  
20 that the expiration or suspension of a license by operation of law, or by order or decision of the  
21 Director of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall  
22 not deprive the Director of jurisdiction to proceed with disciplinary action.

23 13. Section 44072.8 of the Health and Safety Code states:

24 "When a license has been revoked or suspended following a hearing under this  
25 article, any additional license issued under this chapter in the name of the licensee may be  
26 likewise revoked or suspended by the director."

27 **COST RECOVERY**

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

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**RESPONDENT NO. 1**

**UNDERCOVER OPERATION NO. 1 - 1997 PONTIAC GRAND AM**

15. On or about October 3, 2006, a Bureau undercover operator using the alias Steven Carson ("operator") drove a Bureau documented 1997 Pontiac Grand Am, California License Plate Number 5AFV696, to Respondent No. 1's facility. The only repairs necessary were to replace the front brake pads and reconnect the electrical connector at the air-conditioning ("A/C") compressor. The operator spoke with a female employee who identified herself as Jenny and requested the advertised brake special and a brake inspection. Jenny told the operator that the brake inspection would cost \$25. The operator also provided Jenny with the A/C service advertisement and requested that service. Jenny informed the operator that the advertised price did not include costs incurred to repair leaks. Jenny prepared Estimate No. 055911 and provided the operator with a copy of the document after he signed it. On the estimate, under the heading "labor description", it states "customer states there is a delay when applying the brakes"; however, the operator did not make that statement.

16. Later that morning, the operator telephoned Respondent No. 1's facility and spoke with Jenny. Jenny told the operator that the front brakes needed to be replaced and that the brake pedal was low because the rear brakes were out of adjustment. Jenny went on to say that the rear brake drums and front brake rotors needed to be machined. Jenny told the operator that the cost of all of these repairs would be \$250.58. The operator authorized the repairs.

17. Later that afternoon, Jenny spoke with the operator and informed him that they machined the rear brake drums but that the drums were warped and needed to be replaced. She said the cost was an additional \$50 to replace both brake drums. The operator authorized that repair.

18. On October 4, 2006, the operator telephoned Respondent No. 1's facility and spoke with a female, who told him that the repairs were complete and that the total cost was \$401.32. She said the A/C system was low, and they added 1.75 pounds of Freon. She said they also added a leak detector because the system had a small leak. Later that day, the operator

1 returned to Respondent No. 1's facility to retrieve the vehicle. The operator paid Jenny \$401.32  
2 and received a copy of Invoice No. 018321.

3 19. On or about October 26, 2006, the Bureau reinspected the vehicle using  
4 Invoice No. 018321. The inspection revealed the following:

5 a. The front brake rotors were machined; however, that repair was not  
6 necessary. Further, the right front brake rotor was out of specification with excessive run out.

7 b. The rear brake drums had been replaced; however, that repair was not  
8 necessary.

9 c. The operator was charged \$19.95 to evacuate and recharge the A/C  
10 system; however, that service was not necessary.

11 **FIRST CAUSE FOR DISCIPLINE**

12 **(Misleading Statements)**

13 20. Respondent No. 1 has subjected its registration to discipline under Code  
14 section 9884.7, subdivision (a)(1), in that on or about October 3, 2006, it made statements which  
15 it knew or which by exercise of reasonable care it should have known to be untrue or misleading,  
16 as follows:

17 a. Respondent No. 1's employee falsely represented to the operator that the  
18 front brake rotors and rear brake drums needed to be resurfaced when, in fact, that service was  
19 not necessary.

20 b. Respondent No. 1's employee falsely represented to the operator that the  
21 brake pedal was low and the rear brakes needed to be adjusted when, in fact, those services were  
22 not necessary.

23 c. Respondent No. 1's employee falsely represented to the operator that the  
24 A/C system needed to be evacuated and recharged with Freon when, in fact, that service was not  
25 necessary.

26 d. Invoice No. 018321 reflects that on October 3, at 1:20 p.m. the operator  
27 authorized additional charges of \$75.43; however, the only additional charge the operator  
28 authorized at that time was \$50 to replace both rear brake drums.

1 e. Invoice No. 018321 reflects that on October 3 at 4:59 p.m. the operator  
2 authorized additional charges of \$72.10; however, the operator did not speak to anyone at that  
3 time nor did he authorize any further additional charges.

4 **SECOND CAUSE FOR DISCIPLINE**

5 **(Fraud)**

6 21. Respondent No. 1 has subjected its registration to discipline under Code  
7 section 9884.7, subdivision (a)(4), in that on or about October 3, 2006, it committed fraud when  
8 it accepted payment from the operator for the following unnecessary services:

9 a. For machining the front brake rotors when, in fact, that service was not  
10 necessary.

11 b. For cleaning and adjusting the rear brakes when, in fact, that service was  
12 not necessary.

13 c. For replacing the rear brake drums when, in fact, that service was not  
14 necessary.

15 d. For evacuating the recharging the A/C system with Freon when, in fact,  
16 that service was not necessary.

17 e. For a leak detector when, in fact, that service was not necessary.

18 **THIRD CAUSE FOR DISCIPLINE**

19 **(Disregard for Accepted Trade Standards)**

20 22. Respondent No. 1 has subjected its registration to discipline under Code  
21 section 9884.7, subdivision (a)(7), in that on or about October 3, 2006, it willfully departed from  
22 or disregarded the accepted trade standards for good and workmanlike repair, machining the right  
23 front rotor out of specification with excessive run-out.

24 **FOURTH CAUSE FOR DISCIPLINE**

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

26 23. Respondent No. 1 has subjected its registration to discipline under Code  
27 section 9884.7, subdivision (a)(6), in that on or about October 3, 2006, it failed to comply with  
28 the following Code sections:

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a. **Section 9884.8:**

i. Regarding Invoice No. 018321, Respondent No. 1 failed to record all service work performed and parts used in the repair of the operator's vehicle.

ii. Regarding Invoice No. 018321, Respondent No. 1 failed to document the repair of the electrical connector to the A/C compressor.

b. **Section 9884.9, subdivision (a):** Regarding Invoice No. 018321, Respondent No. 1 failed to properly record the operator's authorization for additional repairs.

**FIFTH CAUSE FOR DISCIPLINE**

**(Failure to Comply with Regulations)**

24. Respondent No. 1 has subjected its registration to discipline under Code section 9884.7, subdivision (a)(6), in that on or about October 3, 2006, it failed to comply with the following sections of California Code of Regulations, title 16:

a. **Section 3372.1, subdivision (a):**

i. Respondent No. 1's employee used the \$49.95 advertised brake special to entice the operator into a more costly transaction by falsely representing to the operator that the front brake rotors and rear brake drums needed to be resurfaced when, in fact, those services were not necessary.

ii. Respondent No. 1's employee used the \$19.95 advertised A/C special to entice the operator into a more costly transaction by falsely representing to the operator that the A/C system was low on Freon, requiring a leak detector when, in fact, those services were not necessary.

b. **Section 3366, subdivision (a)(15):** Respondent No. 1 failed to record the high and low side A/C system operating pressures on the invoice dated October 3, 2006.

c. **Section 3366, subdivision (a)(16):** Respondent No. 1 failed to record the center air-distribution outlet temperature on the invoice dated October 3, 2006.

**UNDERCOVER OPERATION NO. 2 - 1995 CHRYSLER LEBARON**

25. On or about November 8, 2006, a Bureau undercover operator using the alias Connie Baker ("operator") drove a Bureau documented 1995 Chrysler LeBaron, California

1 License Plate No. 3LJA311, to Respondent No. 1's facility and requested the advertised brake  
2 special and the tune-up special. The only repairs necessary were to replace the front brake pads  
3 and adjust the ignition timing. Prior to arriving at Respondent No. 1's facility, the operator  
4 telephoned the facility and spoke with a female employee who identified herself as Marie. The  
5 operator asked Marie about the advertised specials for brakes and a tune-up. Marie told the  
6 operator they would tell her the cost of brakes after the brakes were inspected. When asked  
7 about the language in the tune-up special that said "settings if applicable", Marie told the  
8 operator that meant they would check the compression and timing.

9           26.     Upon the operator's arrival at Respondent No. 1's facility, she spoke with  
10 a male employee and told him she wanted the tune-up and brake specials. The male opened the  
11 hood of the vehicle. While waiting for the male to return, the operator spoke with Jenny and told  
12 her she wanted a tune-up and an inspection of the brakes because they squealed. The operator  
13 gave Jenny the advertisement coupons and her information for Estimate No. 056598. The  
14 operator signed and received a copy of the estimate.

15           27.     Later that day, the operator telephoned Respondent No. 1's facility and  
16 spoke to Jenny, who told her that the front brakes were "really bad". Jenny told the operator that  
17 the caliper was "seizing up". Jenny went on to say that when the brake pedal was pushed the  
18 caliper would close; however, the calipers on the operator's vehicle would not open when the  
19 brake pedal was released. Jenny also told the operator that the master cylinder was leaking brake  
20 fluid, causing the brake pedal to go to the floor. Jenny said they would have to replace the master  
21 cylinder, the front brake pads, and the calipers. Jenny also told the operator that they would need  
22 to resurface the rotors because the brake pads were metal to metal. Further, Jenny told the  
23 operator that the valve covers were leaking oil and that the valve cover gasket needed to be  
24 replaced. Jenny told the operator that the cost of the brake repairs would be \$677.31 and the  
25 valve cover gasket would be \$129.49, for a total cost of repairs of \$872.30. The operator  
26 authorized the repairs.

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1 a. Respondent No. 1's employee represented to the operator that the front  
2 brake calipers were seizing up, the master cylinder was leaking brake fluid, the front rotors were  
3 metal to metal, and the rear brakes needed to be cleaned and adjusted when, in fact, none of these  
4 statements were true and none of these repairs were necessary.

5 b. Respondent No. 1 represented to the operator that the brake pedal was low  
6 and the rear brakes needed to be adjusted when, in fact, those services were not necessary.

7 **SEVENTH CAUSE FOR DISCIPLINE**

8 **(Fraud)**

9 31. Respondent No. 1 has subjected its registration to discipline under Code  
10 section 9884.7, subdivision (a)(4), in that on or about November 8, 2006, it committed fraud  
11 when it accepted payment from the operator for the following services/repairs that were not  
12 necessary or were not performed:

13 a. For replacement of the two calipers when, in fact, that service was not  
14 necessary.

15 b. For replacement of the master cylinder when, in fact, that service was not  
16 necessary.

17 c. For resurfacing the front brake rotors when, in fact, that service was not  
18 necessary.

19 d. For cleaning and adjustment of the rear brakes when, in fact, that service  
20 was not necessary.

21 e. For adjustment of the timing when, in fact, the timing was still out of  
22 adjustment.

23 **EIGHTH CAUSE FOR DISCIPLINE**

24 **(Disregard for Accepted Trade Standards)**

25 32. Respondent No. 1 has subjected its registration to discipline under Code  
26 section 9884.7, subdivision (a)(7), in that on or about November 8, 2006, it willfully departed  
27 from or disregarded the accepted trade standards for good and workmanlike repair by failing to

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1 properly bleed the brake system, causing the brake pedal to feel soft and almost go to the  
2 floorboard when pushed.

3 **UNDERCOVER OPERATION NO. 3 - 1997 TOYOTA COROLLA**

4 33. On or about May 3, 2007, a Bureau undercover operator using the alias  
5 John Shilling ("operator") drove a Bureau documented 1997 Toyota, California License Plate  
6 Number 3TCT718, to Respondent No. 1's facility. The only repairs necessary were to replace  
7 the front brake pads, change the oil and filter, and replace the A/C relay. The operator spoke  
8 with a female employee who identified herself as Jenny. The operator provided Jenny with a  
9 Pennysaver advertisement and requested the lube, oil and filter special, which included a free  
10 brake inspection. The operator provided Jenny with his information, signed the estimate, and  
11 was provided with a copy of Estimate No. 059772.

12 34. Later that afternoon, the operator telephoned Respondent No. 1's facility  
13 and spoke with a male who identified himself as Hector. Hector told the operator that the rear  
14 brakes had noise and that the front brake pads were low. A short time later, Hector telephoned  
15 the operator and informed him that the A/C had a leak. Further, he told the operator he would  
16 add dye to the system in order to find the leak at a cost of \$75.43. Hector also told the operator  
17 that they would install ceramic brakes pads on the front brakes and machine the rotors for  
18 \$177.60. Hector went on to say that the rear brakes were making noise and that was caused by  
19 the drum rubbing against the backing plate. Hector said the backing plate was bent but that they  
20 would repair the backing plate at no charge. Hector said the cost to replace the rear brake shoes  
21 and machine the drums would be \$181.64. Hector stated that the rear brake shoes had 30 to 40%  
22 remaining and the rear brake shoes had not been installed properly, causing excessive dust.  
23 Hector said that the total cost of the repairs would be \$476.42. The operator authorized the  
24 repairs.

25 35. On May 4, 2006, the operator returned to Respondent No. 1's facility to  
26 retrieve the vehicle. The operator paid Jenny \$501.93 and received Invoice No. 019379.

27 36. On or about May 16, 2006, the Bureau reinspected the vehicle using  
28 Invoice No. 019379. The inspection revealed the following:

- 1 a. The front brake rotors had been resurfaced; however, that repair was not  
2 necessary. Further, both front brake rotors were out of specification with excessive run out.
- 3 b. The rear brake shoes had been replaced; however, that repair was not  
4 necessary.
- 5 c. The rear brake drums had been resurfaced; however, that repair was not  
6 necessary.
- 7 d. The A/C magnetic clutch relay was not replaced; instead, the relay was  
8 switched with the number 4 fan relay, which made the A/C system operational; however, that  
9 condition causes the condenser fan to be inoperable. This repair was not set forth on the final  
10 invoice.
- 11 e. The operator was charged \$74.25 for Freon and \$25 for A/C dye when, in  
12 fact, neither of those services were necessary.

13 **NINTH CAUSE FOR DISCIPLINE**

14 **(Misleading Statements)**

15 37. Respondent No. 1 has subjected its registration to discipline under Code  
16 section 9884.7, subdivision (a)(1), in that on or about May 3, 2007, it made statements which it  
17 knew or which by exercise of reasonable care it should have known to be untrue or misleading,  
18 as follows:

- 19 a. Respondent No. 1 represented to the operator that the A/C system had a  
20 small leak and was "short a pound" of Freon when, in fact, that statement was not true and the  
21 only repair necessary to the A/C system was replacement of the magnetic clutch relay.
- 22 b. Respondent No. 1 represented to the operator that the reason the rear  
23 brakes were making noise was because the rear brake drum was rubbing against the backing plate  
24 and the backing plate was bent. In fact, that statement was not true. The backing plate was not  
25 bent.
- 26 c. Respondent No. 1 represented to the operator that the rear brake shoes had  
27 30% to 40% remaining when, in fact, the rear brake shoes had 98% remaining.

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1 d. Respondent No. 1 represented to the operator that the rear brake shoes had  
2 been incorrectly installed when, in fact, that statement was not true.

3 **TENTH CAUSE FOR DISCIPLINE**

4 **(Fraud)**

5 38. Respondent No. 1 has subjected its registration to discipline under Code  
6 section 9884.7, subdivision (a)(4), in that on or about May 3, 2007, it committed fraud when it  
7 accepted payment from the operator for services that were not necessary, as follows:

8 a. For resurfacing the front brake rotors when, in fact, that service was not  
9 necessary.

10 b. For replacement of the rear brake shoes when, in fact, that service was not  
11 necessary.

12 c. For resurfacing the rear brake drums when, in fact, that service was not  
13 necessary.

14 d. For A/C oil and dye when, in fact, that service was not necessary.

15 **ELEVENTH CAUSE FOR DISCIPLINE**

16 **(Disregard for Accepted Trade Standards)**

17 39. Respondent No. 1 has subjected its registration to discipline under Code  
18 section 9884.7, subdivision (a)(7), in that on or about May 3, 2007, it willfully departed from or  
19 disregarded the accepted trade standards for good and workmanlike repair, as follows:

20 a. Respondent No. 1 resurfaced both front rotors out of specification, with  
21 excessive run-out.

22 b. Respondent No. 1 switched the magnetic clutch relay and condenser fan  
23 relay, causing the A/C condenser to be inoperable, affecting the air conditioner and engine  
24 cooling efficiency.

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1 TWELFTH CAUSE FOR DISCIPLINE

2 (Failure to Comply with Code)

3 40. Respondent No. 1 has subjected its registration to discipline under Code  
4 section 9884.7, subdivision (a)(6), in that on or about May 3, 2007, it failed to comply with the  
5 following Code sections:

6 a. Section 9884.8:

7 i. Regarding Invoice No. 019379, Respondent No. 1 failed to record  
8 all service work performed and parts used in the repair of the operator's vehicle.

9 ii. Regarding Invoice No. 019379, Respondent No. 1 failed to  
10 document that it had switched the A/C relay with the number 4 fan relay.

11 b. Section 9884.9, subdivision (a): Regarding Invoice No. 019379,  
12 Respondent No. 1 failed to obtain the operator's authorization for additional repairs.

13 THIRTEENTH CAUSE FOR DISCIPLINE

14 (Failure to Comply with Regulations)

15 41. Respondent No. 1 has subjected its registration to discipline under Code  
16 section 9884.7, subdivision (a)(6), in that on or about May 3, 2007, it failed to comply with the  
17 following sections of California Code of Regulations, title 16:

18 a. Section 3372.1, subdivision (a):

19 i. Respondent No. 1's employee used the \$12.95 advertised A/C  
20 Service special to entice the operator into a more costly transaction by falsely representing to the  
21 operator that the A/C system was a "pound short" and that it had a "small leak" when, in fact, the  
22 only repair necessary to the A/C system was replacement of the magnetic clutch relay.

23 ii. Respondent No. 1's employee used the \$22.95 advertised Lube, Oil  
24 & Filter w/Free Brake Inspection special to entice the operator into a more costly transaction by  
25 falsely representing to the operator that the front brake rotors and rear brake drums needed to be  
26 resurfaced when, in fact, those services were not necessary.

27 b. Section 3366, subdivision (a)(15): Respondent No. 1 failed to record the  
28 high and low side A/C system operating pressures on Invoice No. 019379.

1 c. Section 3366, subdivision (a)(16): Respondent No. 1 failed to record the  
2 center air-distribution outlet temperature on Invoice No. 019379.

3 **RESPONDENT NO. 2**

4 **UNDERCOVER OPERATION NO. 1 - 1996 CHEVROLET CORSICA**

5 42. On or about January 11, 2007, a Bureau undercover operator using the  
6 alias Connic Metcalf ("operator") drove a Bureau documented 1996 Chevrolet Corsica,  
7 California License Plate Number 3PBG348, to Respondent No. 2's facility. The only repair  
8 necessary was to replace the front brake pads. The operator spoke with a female employee who  
9 identified herself as Andrea. The operator showed Andrea Respondent No. 2's Pennysaver  
10 advertisement for a free brake inspection and requested the inspection. The operator provided  
11 Andrea with her information and signed the estimate; however, the operator did not receive a  
12 copy of the document.

13 43. Later that morning, the operator telephoned Respondent No. 2's facility  
14 and spoke with Andrea, who told her the master cylinder needed to be replaced because the  
15 brakes were "mushy". Andrea said that when they replace the master cylinder they would bleed  
16 the brakes and flush the brake fluid, replacing it with new brake fluid, and that the cost of the  
17 master cylinder was \$284. Andrea also told the operator that the front brakes needed to be  
18 replaced and the front brake rotors needed to be resurfaced and that the cost for those services  
19 would be \$163. Andrea also recommended that the vehicle's rear brakes be cleaned and adjusted  
20 for \$39, saying that rear brakes come out of adjustment slowly, causing excessive dust. The  
21 operator authorized the repairs.

22 44. On January 12, 2007, the operator returned to Respondent No. 2's facility  
23 to retrieve her vehicle. The operator paid Andrea \$487.86 and received a copy of Invoice No.  
24 017003.

25 45. On or about January 16, 2007, the Bureau reinspected the vehicle using  
26 Invoice No. 017003. The inspection revealed the following:

27 a. The front brake rotors were resurfaced; however, that repair was not  
28 necessary. Further, the right front brake rotor was out of specification, with excessive run out.



- 1 a. For replacing the master cylinder when, in fact, that service was not  
2 necessary.
- 3 b. For resurfacing the front brake rotors when, in fact, that service was not  
4 necessary.
- 5 c. For cleaning and adjusting the rear brakes when, in fact, that service was  
6 not necessary.

7 **SEVENTEENTH CAUSE FOR DISCIPLINE**

8 **(Disregard for Accepted Trade Standards)**

9 49. Respondent No.2 has subjected its registration to discipline under Code  
10 section 9884.7, subdivision (a)(7), in that on or about January 11, 2007, it willfully departed from  
11 or disregarded the accepted trade standards for good and workmanlike repair by machining the  
12 right front rotor out of specification, with excessive run-out.

13 **EIGHTEENTH CAUSE FOR DISCIPLINE**

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

15 50. Respondent No. 2 has subjected its registration to discipline under Code  
16 section 9884.7, subdivision (a)(6), in that on or about January 11, 2007, it failed to comply with  
17 the following Code sections:

- 18 a. **Section 9884.8:** Regarding Invoice No. 017003, Respondent No. 2 failed  
19 to record all service work performed and parts used in the repair of the operator's vehicle.
- 20 b. **Section 9884.9, subdivision (a):** Respondent No. 2 failed to provide the  
21 operator with a written estimated price for parts and labor for a specific job prior to  
22 commencement of the repairs.

23 **UNDERCOVER OPERATION NO. 2 - 1995 MAZDA 626**

24 51. On or about September 27, 2007, a Bureau undercover operator using the  
25 alias Judy Kercher ("operator") drove a Bureau documented 1995 Mazda 626, Arizona License  
26 Plate No. 524MKH, to Respondent No. 2's facility. Prior to arriving at the facility, the operator  
27 telephoned the facility and inquired about the cost of brakes. A male employee of Respondent  
28 No. 2, later identified as Noel, told the operator that the cost to replace the front brake pads and



1 a. Respondent No. 2's employee falsely represented to the operator that the  
2 front brake pads had a lifetime warranty; however, the invoice states "warranty on parts and labor  
3 is 6 months or 6,000 miles".

4 b. Respondent No. 2's employee falsely represented to the operator that the  
5 rear brakes needed to be cleaned and adjusted when, in fact, that service was not necessary  
6 because the vehicle was equipped with self-adjusting brakes.

7 c. Regarding Invoice No. 018871, Respondent No. 2 represented to the  
8 operator that the rear brakes had been adjusted when, in fact, that service had not been performed  
9 as invoiced.

10 **TWENTIETH CAUSE FOR DISCIPLINE**

11 **(Failure to Provide a Copy of a Signed Document)**

12 56. Respondent No. 2 has subjected its registration to discipline under Code  
13 section 9884.7, subdivision (a)(3), in that on or about September 27, 2007, it failed to provide the  
14 operator with the estimate as soon as the operator signed the document.

15 **TWENTY-FIRST CAUSE FOR DISCIPLINE**

16 **(Fraud)**

17 57. Respondent No. 2 has subjected its registration to discipline under Code  
18 section 9884.7, subdivision (a)(4), in that on or about September 27, 2007, it committed fraud  
19 when it accepted payment from the operator to clean and adjust the rear brakes when, in fact, that  
20 service was not necessary because that vehicle is equipped with self-adjusting brakes.

21 **TWENTY-SECOND CAUSE FOR DISCIPLINE**

22 **(Disregard for Accepted Trade Standards)**

23 58. Respondent No. 2 has subjected its registration to discipline under Code  
24 section 9884.7, subdivision (a)(7), in that on or about September 27, 2007, it willfully departed  
25 from or disregarded the accepted trade standards for good and workmanlike repair by resurfacing  
26 the right and left front rotors out of specification with excessive run out.

27 ///

28 ///

1 **TWENTY-THIRD CAUSE FOR DISCIPLINE**

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

3 59. Respondent No. 2 has subjected its registration to discipline under Code  
4 section 9884.7, subdivision (a)(6), in that on or about September 27, 2007, it failed to comply  
5 with the following Code sections:

6 a. **Section 9884.8:** Regarding Invoice No. 018871, Respondent No. 2 failed  
7 to record all service work performed and parts used in the repair of the operator's vehicle.

8 b. **Section 9884.9, subdivision (a):** Respondent No. 2 failed to provide the  
9 operator with a written estimated price for parts and labor for a specific job prior to  
10 commencement of the repairs.

11 **UNDERCOVER OPERATION NO. 3 - 1999 DODGE STRATUS**

12 60. On or about November 27, 2007, a Bureau undercover operator using the  
13 alias Jim Carter ("operator") drove a Bureau documented 1999 Dodge Stratus, California License  
14 Plate Number 4VIX517, to Respondent No. 2's facility. The only repair necessary was to replace  
15 the front brake pads. The operator telephoned Respondent No. 2's facility and spoke with a  
16 female employee who identified herself as Andrea. The operator told Andrea he wanted a brake  
17 inspection and inquired about the cost of new brakes. Andrea informed the operator that a set of  
18 new brakes, including resurfacing the rotors, would cost approximately \$175.

19 61. Shortly after the telephone call, the operator drove the vehicle to  
20 Respondent No. 2's facility. The operator spoke with Andrea about a brake inspection. Andrea  
21 took the operator's information. The operator signed an estimate but was not provided with a  
22 copy of the document. Soon after leaving the facility, the operator received a telephone call from  
23 Andrea. She informed the operator that the front brakes had approximately 15% left. Andrea  
24 told the operator that they would replace the front brakes and resurface the rotors. Andrea  
25 informed the operator that if they did not resurface the rotors, he would have problems later on.  
26 She went on to say that the rotors could cause vibrations if they were not resurfaced. Further, she  
27 said they would clean and adjust the rear brakes. Andrea said the total cost of services would be  
28 \$235. The operator authorized the repairs.

1                   62.     That afternoon, the operator returned to Respondent No. 2's facility to  
2 retrieve the vehicle. The operator paid Andrea \$235 and received Invoice No. 019261.

3                   63.     On or about November 29, 2007, the Bureau reinspected the vehicle using  
4 Invoice No. 019261. The inspection revealed the following:

5                   a.     The front brake rotors had been resurfaced; however, that repair was not  
6 necessary.

7                   b.     The rear brakes had been cleaned but not adjusted as invoiced.

8                   **TWENTY-FOURTH CAUSE FOR DISCIPLINE**

9                   **(Misleading Statements)**

10                  64.     Respondent No. 2 has subjected its registration to discipline under Code  
11 section 9884.7, subdivision (a)(1), in that on or about November 27, 2007, it made statements  
12 which it knew or which by exercise of reasonable care it should have known to be untrue or  
13 misleading, as follows:

14                  a.     Respondent No. 2's employee falsely represented to the operator that he  
15 would have problems with the brakes later on if the rotors were not resurfaced when, in fact, that  
16 statement was untrue.

17                  b.     Respondent No. 2's employee falsely represented to the operator that the  
18 rear brakes needed to be cleaned and adjusted every six months when, in fact, that statement was  
19 not true because this vehicle is equipped with self-adjusting brakes.

20                  **TWENTY-FIFTH CAUSE FOR DISCIPLINE**

21                  **(Failure to Provide a Copy of a Signed Document)**

22                  65.     Respondent No. 2 has subjected its registration to discipline under Code  
23 section 9884.7, subdivision (a)(3), in that on or about November 27, 2007, it failed to provide the  
24 operator with the work order as soon as the operator signed the document.

25                  **TWENTY-SIXTH CAUSE FOR DISCIPLINE**

26                  **(Fraud)**

27                  66.     Respondent No. 2 has subjected its registration to discipline under Code  
28 section 9884.7, subdivision (a)(4), in that on or about November 27, 2007, it committed fraud

1 when it accepted payment from the operator to clean and adjust the rear brakes when, in fact, that  
2 service was not necessary because this vehicle is equipped with self-adjusting brakes.

3 **TWENTY-SEVENTH CAUSE FOR DISCIPLINE**

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

5 67. Respondent No. 2 has subjected its registration to discipline under Code  
6 section 9884.7, subdivision (a)(6), in that on or about November 27, 2007, it failed to comply  
7 with the following Code sections:

8 a. **Section 9884.8:** Regarding Invoice No. 019261, Respondent No. 2 failed  
9 to record all service work performed and parts used in the repair of the operator's vehicle.

10 b. **Section 9884.9, subdivision (a):** Respondent No. 2 failed to provide the  
11 operator with a written estimated price for parts and labor for a specific job.

12 **TWENTY-EIGHTH CAUSE FOR DISCIPLINE**

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

14 68. Respondent No. 2 has subjected its station license to discipline under  
15 Health and Safety Code section 44072.2, subdivision (d), in that on or about between January 11,  
16 2007, September 27, 2007, and November 27, 2007, Respondent No. 2 committed acts involving  
17 dishonesty, fraud or deceit whereby another was injured, as more particularly set forth in  
18 paragraphs 46, 48, 55, 57, 64, and 66, above.

19 **OTHER MATTERS**

20 69. Under Code section 9884.7, subdivision (c), the director may invalidate  
21 temporarily or permanently or refuse to validate, the registrations for all places of business  
22 operated in this state by FS Group, Inc., doing business as Precision Motors, upon a finding that  
23 it has, or is, engaged in a course of repeated and willful violations of the laws and regulations  
24 pertaining to an automotive repair dealer.

25 70. Under Health and Safety Code section 44072.8, if Smog Check Station  
26 License Number RK 202116, issued to FS Group, Inc., doing business as Precision Motors, is  
27 revoked or suspended, any additional license issued under this chapter in the name of said  
28 licensee may be likewise revoked or suspended by the director.

1 PRAYER

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

4 1. Temporarily or permanently invalidating Automotive Repair Dealer  
5 Registration Number AK 202114, issued to FS Group, Inc., doing business as Precision Motors;

6 2. Temporarily or permanently invalidating Automotive Repair Dealer  
7 Registration Number AK 202116, issued to FS Group, Inc., doing business as Precision Motors;

8 3. Temporarily or permanently invaliding any other automotive repair dealer  
9 registration issued to FS Group, Inc., doing business as Precision Motors;

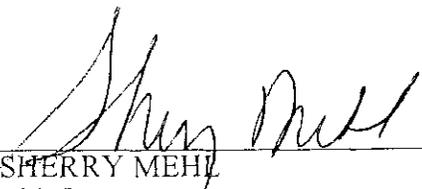
10 4. Revoking or suspending Smog Check Station License Number  
11 RK 202116, issued to FS Group, Inc., doing business as Precision Motors;

12 5. Revoking or suspending any additional license issued under this chapter in  
13 the name of FS Group, Inc., doing business as Precision Motors;

14 6. Ordering FS Group, Inc., to pay the Bureau of Automotive Repair the  
15 reasonable costs of the investigation and enforcement of this case, pursuant to Code section  
16 125.3; and,

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

18  
19 DATED: 8/6/08

20  
21   
22 SHERRY MEHL  
23 Chief  
24 Bureau of Automotive Repair  
25 Department of Consumer Affairs  
26 State of California  
27 Complainant