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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:**  
1875 Iowa Avenue  
16 Riverside, CA 92507

**ACCUSATION**

17 **BRANCH OFFICES/REPAIR FACILITIES**

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

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

22 **CERTIFIED TIRE & SERVICE CENTERS, INC.,**  
23 **DBA CERTIFIED TIRE & SERVICE CENTERS, INC.,**  
**JEFFREY ALAN DARROW, PRESIDENT;**  
24 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 Respondents.

23 Complainant alleges:

24 **PARTIES**

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

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

28 2. In 1999, the BAR issued Automotive Repair Dealer Registration Number ARD  
206905 (registration) to Certified Tire & Service Centers, Inc., dba Certified Tire & Service  
Centers, Inc., Jeffrey Alan Darrow, President (Respondent). The registration was in full force and  
effect at all times relevant to the charges brought herein and will expire on August 31, 2013,  
unless renewed.

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

5           9.     Section 477 of the Code states:

6           As used in this division:

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

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

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

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

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

22           ....

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

25           (4) Any other conduct that constitutes fraud.

26           (5) Conduct constituting gross negligence.

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

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

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

          ....

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

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

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

16 **STATUTORY PROVISIONS**

17 12. Section 9884.8 of the Code states:

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

22 13. Section 9884.9 of the Code states, in pertinent part:

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

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1 REGULATORY PROVISIONS

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

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

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

7 . . . .

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

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

19 . . . .

20 (4) The additional repairs, parts, labor, total additional cost, and a statement  
21 that the additional repairs were authorized either orally, or by fax, or by e-mail  
22 shall be recorded on the final invoice to Section 9884.9 of the Business and  
23 Professions Code. All documentation must be retained pursuant to Section  
24 9884.11 of the Business and Professions Code.

25 . . . .

26 (e) Revising an Itemized Work Order. If the customer has authorized repairs  
27 according to a work order on which parts and labor are itemized, the dealer shall  
28 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).

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15. 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.

....

16. 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.

...."

17. CCR, section 3372.1, states, in pertinent part:

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

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

...."

18. CCR, section 3373, states:

"No automotive repair dealer or individual in charge shall, in filling out an estimate, invoice, or work order, or record required to be maintained by section 3340.15(f) of this chapter,

1 withhold therefrom or insert therein any statement or information which will cause any such  
2 document to be false or misleading, or where the tendency or effect thereby would be to mislead  
3 or deceive customers, prospective customers, or the public."

4 **COST RECOVERY**

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

11 **RESPONDENT'S GARDEN GROVE FACILITY**

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

13 20. On or about June 22, 2011, a BAR undercover operator (operator) drove a BAR  
14 documented 2002 Dodge (Dodge) into Respondent's facility in Garden Grove, California and  
15 asked the Respondent for an advertised oil change, specially priced at \$11.88. The undercover  
16 vehicle had been previously documented as being only in need of an engine oil and filter change  
17 and a wheel alignment. The undercover operator signed a work order but was given a copy of the  
18 unsigned work order. The total price on the work order was for \$121.11 for an enhanced oil  
19 change and to check the balance in the tires. Later that day Respondent's employee, Roger, spoke  
20 to the operator and told her that the rear brakes were "Metal to metal", the rear brake wheel  
21 cylinders were leaking brake fluid and two tires were out of balance. Roger also told the operator  
22 that the vehicle's rear shocks were leaking and that the vehicle needed a new rack and pinion  
23 because it was also leaking and an alignment. The operator agreed to all of the recommended  
24 repairs. The operator approved the estimate for repairs of \$1,600.00 including tax.

25 21. Later that same day, Roger called the operator to tell her that the rear bushings needed  
26 to be replaced because they were worn out, cracked and pushed out due to the rear shocks. The  
27 cost of this repair was \$691.90. At first the operator authorized the repair to the rear bushings.

28

1 She then called the shop back and told them not to do the repair to the bushings but to note their  
2 recommendation on her receipt.

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

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

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

19 **FIRST CAUSE FOR DISCIPLINE**

20 **(Untrue or Misleading Statements)**

21 25. Respondent's registration is subject to discipline under Code section 9884.7,  
22 subdivision (a)(1), in that on or about June 22, 2011, Respondent made or authorized statements  
23 which he knew, or which by exercise of reasonable care should have known to be untrue or  
24 misleading, as set forth in paragraphs 20 through 24, above. Respondent told the operator that the  
25 Dodge needed replacement of the rack and pinion assembly, the rear brake shoes, the rear brake  
26 wheel cylinders, the brake fluid, and the rear shocks, when in fact all of these parts and systems  
27 were new and/or in good serviceable condition.

28 ///



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

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

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

13 **FIFTH CAUSE FOR DISCIPLINE**

14 **(Violation of Regulations)**

15 29. Respondent has subjected his registration to discipline pursuant to Business and  
16 Professions Code section 9884.7, subdivision (a)(6), in that on June 22, 2011, Respondent failed  
17 to comply with the following sections of the California Code of Regulations, title 16, as set forth  
18 in paragraphs 20 through 24, above:

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

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

23 c) **Section 3372.1, subdivision (a):** Respondent's advertisement for an oil change for  
24 \$11.88 was unfair and misleading in that it was used as a bait and switch tactic to induce the  
25 operator into purchasing unnecessary and more costly repairs.

26 d) **Section 3373:** Respondent created a false and misleading record by recommending  
27 the services and repairs for the Dodge by stating that the vehicle needed replacement of the rack  
28 and pinion assembly, the rear brake shoes, the rear wheel cylinders, the brake fluid, and the rear

1 shocks. The only service the Dodge needed was an engine oil and filter change and a wheel  
2 alignment.

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

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

15 31. On September 23, 2011, the operator returned to Respondent's facility, paid  
16 \$1,116.47 and received Invoice number [REDACTED].

17 32. On or about September 23, 2011, a BAR lab technician re-inspected the Honda. He  
18 found that Respondent had overfilled the engine oil, did not properly drain the anti/freeze coolant,  
19 did not put in the anti/freeze coolant recommended by the manufacturer, diluted the anti/freeze  
20 coolant mixture and improperly balanced the wheels.

21 33. The BAR lab technician also found that Respondent performed the following  
22 unnecessary repairs; replacing the radiator hoses and related items, replacing the radiator  
23 anti/freeze coolant, replacing the front struts and aligning the vehicle.

24 **SIXTH CAUSE FOR DISCIPLINE**

25 **(Untrue or Misleading Statements)**

26 34. Respondent's registration is subject to discipline under Code section 9884.7,  
27 subdivision (a)(1), in that on or about September 22, 2011, 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 30 through 33, above. Respondent told the  
2 operator that the Honda needed radiator hoses, a coolant flush, front struts and an alignment,  
3 when in fact all of these parts and systems were new and/or in good serviceable condition.

4 **SEVENTH CAUSE FOR DISCIPLINE**

5 **(Fraud)**

6 35. Respondent's registration is subject to discipline under Code section 9884.7,  
7 subdivision (a)(4), in that on or about September 22, 2011, Respondent made false and  
8 misleading representations to the operator regarding the condition of the radiator hoses, the  
9 coolant, the front struts and the alignment and on or about September 23, 2011, accepted payment  
10 for those parts and services as set forth in paragraphs 30 through 33, above.

11 **EIGHTH CAUSE FOR DISCIPLINE**

12 **(Gross Negligence)**

13 36. Respondent's registration is subject to discipline under Code section 9884.7,  
14 subdivision (a)(5), in that on or about September 22, 2011, Respondent was grossly negligent in  
15 performing repairs to the Honda as set forth in paragraphs 30 through 33, above. Respondent  
16 overfilled the engine oil, did not properly drain the anti/freeze coolant, did not put in the  
17 anti/freeze coolant recommended by the manufacturer, diluted the anti/freeze coolant mixture and  
18 improperly balanced the wheels.

19 **NINTH CAUSE FOR DISCIPLINE**

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

21 37. Respondent has subjected his registration to discipline pursuant to Business and  
22 Professions Code section 9884.7, subdivision (a)(6), in that on September 22, 2011, Respondent  
23 failed to comply with the following sections of the Code, as set forth in paragraphs 30 through 33,  
24 above:

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

27 b) **Section 9884.7, subdivision (a)(7):** Respondent failed to follow accepted trade  
28 standards in that he overfilled the engine oil, did not properly drain the anti/freeze coolant, did not

1 put in the anti/freeze coolant recommended by the manufacturer, diluted the anti/freeze coolant  
2 mixture and improperly balanced the wheels.

3 **TENTH CAUSE FOR DISCIPLINE**

4 **(Violation of Regulations)**

5 38. Respondent has subjected his registration to discipline pursuant to Business and  
6 Professions Code section 9884.7, subdivision (a)(6), in that on September 22, 2011, Respondent  
7 failed to comply with the following sections of the California Code of Regulations, title 16, as set  
8 forth in paragraphs 30 through 33, above:

9 a) **Section 3372.1, subdivision (a):** Respondent's advertisement for an oil change for  
10 \$15.88 was unfair and misleading in that it was used as a bait and switch tactic to induce the  
11 operator into purchasing unnecessary and more costly repairs.

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

16 **RESPONDENT'S BANNING FACILITY**

17 **UNDERCOVER OPERATION – AUGUST 31, 2011**

18 39. On or about August 31, 2011, a BAR undercover operator (operator) drove a BAR  
19 documented 2000 Honda (Honda) into Respondent's facility in Banning, California and asked the  
20 Respondent to check why the malfunction indicator lamp (MIL) was on. The undercover vehicle  
21 had been previously documented as having the gas filler cap loosened so as to have the MIL come  
22 on. The operator signed a work order but was given a copy of the unsigned work order. The total  
23 price on the work order was for \$98.00 to check and advise why the MIL was on. Later that day  
24 Respondent's employee, Adam, spoke with the operator and told her that the vehicle needed a  
25 timing belt kit, a water pump, front brake pads, a brake fluid flush and a new battery. The  
26 operator agreed to the recommended repairs to replace the timing belt kit, the water pump and the  
27 brake fluid flush. The operator approved the estimate for repairs of \$727.78.

28 ///



1 failed to comply with the following sections of the Code, as set forth in paragraphs 39 through 42,  
2 above:

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

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

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

11 **FOURTEENTH CAUSE FOR DISCIPLINE**

12 **(Violation of Regulations)**

13 46. Respondent has subjected his registration to discipline pursuant to Business and  
14 Professions Code section 9884.7, subdivision (a)(6), in that on August 31, 2011, Respondent  
15 failed to comply with the following sections of the California Code of Regulations, title 16, as set  
16 forth in paragraphs 39 through 42, above:

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

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

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

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1 **FIFTEENTH CAUSE FOR DISCIPLINE**

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

3 47. Respondent's registration is subject to discipline under Code section 9884.7,  
4 subdivision (a)(6), in that on or about August 31, 2011, Respondent failed to comply with the  
5 Automotive Repair Act as set forth in paragraphs 39 through 42, above.

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

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

17 49. When the operator picked up the Lincoln after the work was completed she was given  
18 Invoice number [REDACTED] and a vehicle inspection report that recommended the following repairs  
19 or service: the cooling system, the transmission fluid, the power steering fluid, a fuel system tune  
20 up, brake fluid, a new battery and replacement of shocks/struts. None of the items listed were in  
21 need of replacement or servicing. The invoice listed a license number of 224219. The license  
22 number for the Banning facility is 224215.

23 **SIXTEENTH CAUSE FOR DISCIPLINE**

24 **(Untrue or Misleading Statements)**

25 50. Respondent's registration is subject to discipline under Code section 9884.7,  
26 subdivision (a)(1), in that on or about January 27, 2012, Respondent made or authorized  
27 statements which he knew, or which by exercise of reasonable care should have known to be  
28 untrue or misleading, as set forth in paragraphs 48 and 49, above. Respondent told the operator

1 that the Lincoln needed the following repairs or service: the cooling system, the transmission  
2 fluid, the power steering fluid, a fuel system tune up, brake fluid, a new battery and replacement  
3 of shocks/struts, when in fact all of these parts and systems were new and/or in good serviceable  
4 condition.

5 **SEVENTEENTH CAUSE FOR DISCIPLINE**

6 **(Violation of Regulations)**

7 51. Respondent has subjected his registration to discipline pursuant to Business and  
8 Professions Code section 9884.7, subdivision (a)(6), in that on January 27, 2012, Respondent  
9 failed to comply with the following sections of the California Code of Regulations, title 16, as set  
10 forth in paragraphs 48 and 49, above:

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

13 **EIGHTEENTH CAUSE FOR DISCIPLINE**

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

15 52. Respondent's registration is subject to discipline under Code section 9884.7,  
16 subdivision (a)(6), in that on or about January 27, 2012, Respondent failed to comply with the  
17 Automotive Repair Act as set forth in paragraphs 48 and 49, above.

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

19 53. On or about February 21, 2012, a BAR undercover operator (operator) returned to  
20 Respondent's facility in Banning, California driving the same BAR documented 2006 Lincoln  
21 (Lincoln) and asked the Respondent if it was still necessary to have her battery replaced and the  
22 60,000 mile service performed as recommended on her last visit to the facility on January 27,  
23 2012. The undercover vehicle had been previously documented as not needing any service or  
24 repairs. Respondent's employee, Dave, spoke with the operator and told her that the battery  
25 needed to be replaced and the vehicle needed a 60,000 mile service. The operator signed a work  
26 order but was not given a copy. The operator agreed to the new battery and the 60,000 mile  
27 service.

28 ///



1 representations to the operator regarding the condition of the battery and the fluid systems.  
2 Respondent also falsely represented to the operator that he had rotated the tires, and on or about  
3 February 21, 2012, accepted payment for those parts and services as set forth in paragraphs 53  
4 through 56, above.

5 **TWENTY-FIRST CAUSE FOR DISCIPLINE**

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

7 59. Respondent has subjected his registration to discipline pursuant to Business and  
8 Professions Code section 9884.7, subdivision (a)(6), in that on February 21, 2012, Respondent  
9 failed to comply with the following sections of the Code, as set forth in paragraphs 53 through 56,  
10 above:

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

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

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

20 **TWENTY-SECOND CAUSE FOR DISCIPLINE**

21 **(Violation of Regulations)**

22 60. Respondent has subjected his registration to discipline pursuant to Business and  
23 Professions Code section 9884.7, subdivision (a)(6), in that on February 21, 2012, Respondent  
24 failed to comply with the following sections of the California Code of Regulations, title 16, as set  
25 forth in paragraphs 53 through 56, above:

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

28



1 report. The vehicle inspection report recommended that the rear suspension struts and the  
2 radiator hoses be replaced. The operator called Luis and confirmed with him that the struts and  
3 hoses needed to be replaced. None of the items listed were in need of replacement or servicing.

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

7 65. The BAR lab technician also found that Respondent performed the following  
8 unnecessary repairs; replacing the rear brake shoes and resurfacing the rear drums.

9 **TWENTY-FOURTH CAUSE FOR DISCIPLINE**

10 **(Untrue or Misleading Statements)**

11 66. Respondent's registration is subject to discipline under Code section 9884.7,  
12 subdivision (a)(1), in that on or about April 18, 2012, Respondent made or authorized statements  
13 which he knew, or which by exercise of reasonable care should have known to be untrue or  
14 misleading, as set forth in paragraphs 62 through 65, above. Respondent told the operator that the  
15 Honda needed rear brakes, the rear drums turned and new brake fluid, when in fact all of these  
16 parts and systems were new and/or in good serviceable condition. Respondent also informed the  
17 operator that the rear suspension struts and the radiator hoses needed to be replaced, when in fact  
18 the rear struts and hoses were new and/or in good serviceable condition.

19 **TWENTY-FIFTH CAUSE FOR DISCIPLINE**

20 **(Fraud)**

21 67. Respondent's registration is subject to discipline under Code section 9884.7,  
22 subdivision (a)(4), in that on or about April 18, 2012, Respondent made false and misleading  
23 representations to the operator regarding the unnecessary brake repairs and the power bleeding  
24 and evacuation of the brake system that was not performed on the Honda and on or about April  
25 18, 2012, accepted payment for those parts and services as set forth in paragraphs 62 through 65,  
26 above.

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1 because the fluids could have metal shavings that could ruin the power steering pump and  
2 transmission. The total cost for these services was quoted at \$580.00. The operator verbally  
3 authorized the additional repairs over the telephone.

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

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

12 73. The BAR lab technician also found that Respondent performed the following  
13 unnecessary repairs; a flush and fill of the transmission, the power steering system, the  
14 differential, the cooling system and the brake hydraulic system.

15 **TWENTY-EIGHTH CAUSE FOR DISCIPLINE**

16 **(Untrue or Misleading Statement)**

17 74. Respondent's registration is subject to discipline under Code section 9884.7,  
18 subdivision (a)(1), in that on or about May 15, 2012, Respondent made or authorized statements  
19 which he knew, or which by exercise of reasonable care should have known to be untrue or  
20 misleading, as set forth in paragraphs 70 through 73, above. Respondent told the operator that the  
21 GMC needed a flush and fill of the transmission, the power steering system, the differential, the  
22 cooling system and the brake hydraulic system, when in fact all of these parts and systems were  
23 new and/or in good serviceable condition. Respondent also informed the operator that the  
24 vehicle's front wheel bearings were loose and the rear brakes needed adjustment, when in fact the  
25 bearings and the rear brakes were new and/or in good serviceable condition.

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1 **TWENTY-NINTH CAUSE FOR DISCIPLINE**

2 **(Fraud)**

3 75. Respondent's registration is subject to discipline under Code section 9884.7,  
4 subdivision (a)(4), in that on or about May 15, 2012, Respondent made false and misleading  
5 representations to the operator regarding the unnecessary flush and fill of the transmission, the  
6 power steering system, the differential, the cooling system and the brake hydraulic system that  
7 was performed on the GMC and on or about May 15, 2012, accepted payment for those parts and  
8 services as set forth in paragraphs 70 through 73, above. Respondent also did not provide the  
9 invoiced differential gasket silicone nor did he perform a complete power bleeding of the brake  
10 hydraulic system on the GMC.

11 **THIRTIETH CAUSE FOR DISCIPLINE**

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

13 76. Respondent has subjected his registration to discipline pursuant to Business and  
14 Professions Code section 9884.7, subdivision (a)(6), in that on May 15, 2012, Respondent failed  
15 to comply with the following sections of the California Code of Regulations, title 16, as set forth  
16 in paragraphs 70 through 73, above:

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

21 **RESPONDENT'S BUENA PARK FACILITY**

22 **UNDERCOVER OPERATION – JANUARY 25, 2012**

23 77. On or about January 25, 2012, a BAR undercover operator (operator) drove a BAR  
24 documented 2001 Toyota (Toyota) 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 her signature or initials. The total  
28

1 price on the work order was for \$18.20. Later that day Respondent's employee, Brandon, told the  
2 operator that the front and rear struts were starting to leak and should be looked at soon.

3 78. Later that day the operator returned to Respondent's facility, paid \$18.20 for the oil  
4 change and received Invoice number [REDACTED]. The operator also received a copy of a vehicle  
5 inspection report. The vehicle inspection report recommended that the following repairs or  
6 services were required: the cooling system, the transmission fluid, the power steering fluid, a fuel  
7 system tune-up, the front and rear struts, the brake fluid and rear brake cleaning and adjustment.  
8 None of the items listed were in need of replacement or servicing.

9 79. On or about January 25, 2012, a BAR lab technician re-inspected the Toyota. She  
10 found that Respondent had overfilled the engine oil.

11 **THIRTY-FIRST CAUSE FOR DISCIPLINE**

12 **(Untrue or Misleading Statements)**

13 80. Respondent's registration is subject to discipline under Code section 9884.7,  
14 subdivision (a)(1), in that on or about January 25, 2012, Respondent made or authorized  
15 statements which he knew, or which by exercise of reasonable care should have known to be  
16 untrue or misleading, as set forth in paragraphs 77 through 79, above. Respondent told the  
17 operator that the front and rear struts on the Toyota were starting to leak, when in fact the struts  
18 were replaced prior to the undercover run and documented to be in good condition and free of any  
19 leaks or seepage.

20 **THIRTY-SECOND CAUSE FOR DISCIPLINE**

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

22 81. Respondent has subjected his registration to discipline pursuant to Business and  
23 Professions Code section 9884.7, subdivision (a)(6), in that on January 25, 2012, Respondent  
24 failed to comply with the following sections of the Code, as set forth in paragraphs 77 through 79,  
25 above:

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

28



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

3 **THIRTY-FOURTH CAUSE FOR DISCIPLINE**

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

5 86. Respondent has subjected his registration to discipline pursuant to Business and  
6 Professions Code section 9884.7, subdivision (a)(6), in that on August 8, 2012, Respondent failed  
7 to comply with the following sections of the Code, as set forth in paragraphs 83 through 85,  
8 above:

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

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

13 **THIRTY-FIFTH CAUSE FOR DISCIPLINE**

14 **(Violation of Regulations)**

15 87. Respondent has subjected his registration to discipline pursuant to Business and  
16 Professions Code section 9884.7, subdivision (a)(6), in that on August 8, 2012, Respondent failed  
17 to comply with the following sections of the California Code of Regulations, title 16, as set forth  
18 in paragraphs 83 through 85, above:

19 a) **Section 3373:** Respondent created a false and misleading record by recommending  
20 the unnecessary services and repairs for the Honda to the cooling system, the transmission fluid,  
21 the power steering fluid, a fuel system tune-up, the brake fluid, a wheel alignment and  
22 replacement of the timing belt. The only service the Honda needed was an engine oil and filter  
23 change.

24 **RESPONDENT'S HUNTINGTON BEACH FACILITY**

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

26 88. On or about February 23, 2012, a BAR undercover operator (operator) drove a BAR  
27 documented 2002 Nissan (Nissan) into Respondent's facility in Huntington Beach, California and  
28 asked the Respondent for an advertised oil change, specially priced at \$15.88. The undercover

1 vehicle had been previously documented as being only in need of an engine oil and filter change.  
2 The operator was not asked to sign a work order but was given a copy of the unsigned work  
3 order. The total price on the work order was for \$18.51. Later that day Respondent's employee,  
4 Doug, spoke to the operator and told him that the struts were weak and should be replaced. Doug  
5 also said he would have to do an alignment. He also told the operator that the tires were nine  
6 years old and should be replaced because of their age. The operator agreed to all of the  
7 recommended repairs.

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

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

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

17 **THIRTY-SIXTH CAUSE FOR DISCIPLINE**

18 **(Untrue or Misleading Statements)**

19 92. Respondent's registration is subject to discipline under Code section 9884.7,  
20 subdivision (a)(1), in that on or about February 23, 2012, Respondent made or authorized  
21 statements which he knew, or which by exercise of reasonable care should have known to be  
22 untrue or misleading, as set forth in paragraphs 88 through 91, above. Respondent told the  
23 operator that the Nissan needed replacement of all four struts and all four tires and a four wheel  
24 alignment, when in fact all of these parts and systems were new and/or in good serviceable  
25 condition.

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

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

5 **FORTY-FIRST CAUSE FOR DISCIPLINE**

6 **(Violation of Regulations)**

7 100. Respondent has subjected his registration to discipline pursuant to Business and  
8 Professions Code section 9884.7, subdivision (a)(6), in that on September 26, 2012, Respondent  
9 failed to comply with the following sections of the California Code of Regulations, title 16, as set  
10 forth in paragraphs 96 through 98, above:

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

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

16 **OTHER MATTERS**

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

22 **PRAYER**

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

25 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD  
26 206905, issued to Certified Tire & Service Centers, Inc., dba Certified Tire & Service Centers,  
27 Inc., Jeffrey Alan Darrow, President;  
28

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

4           3.    Revoking or suspending Automotive Repair Dealer Registration Number ARD  
5 199471, issued to Certified Tire & Service Centers, Inc., dba Certified Tire & Service Centers,  
6 Inc., Jeffrey Alan Darrow, President;

7           4.    Revoking or suspending Automotive Repair Dealer Registration Number ARD  
8 224219, issued to Certified Tire & Service Centers, Inc., dba Certified Tire & Service Centers,  
9 Inc., Jeffrey Alan Darrow, President;

10          5.    Revoking or suspending Automotive Repair Dealer Registration Number ARD  
11 203512, issued to Certified Tire & Service Centers, Inc., dba Certified Tire & Service Centers,  
12 Inc., Jeffrey Alan Darrow, President;

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

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

20          8.    Taking such other and further action as deemed necessary and proper.

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DATED: 6-14-13

  
JOHN WALLAUCH  
Chief  
Bureau of Automotive Repair  
Department of Consumer Affairs  
State of California  
*Complainant*

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