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

11
12 In the Matter of the Accusation Against:

Case No. 77/11-06

13 **COREY'S AUTOMOTIVE & SMOG**
14 **JAMES DENNIS COREY**
aka JIM COREY, Owner
15 2115 East Main Street
Quincy, California 95971
16 **Automotive Repair Dealer Registration No. ARD 209888**
Smog Check Station License No. RC 209888
17 **Lamp Station License No. LS 209888**
18 **Brake Station License No. BS 209888**

ACCUSATION

19 **JAMES DENNIS COREY**
20 2115 East Main Street
Quincy, California 95971
21 **Advanced Emission Specialist Technician License No. EA**
146078
22 **Brake Adjuster License No. BA 146078**
Lamp Adjuster License No. LA 146078

23 Respondent.

24
25 Sherry Mehl ("Complainant") alleges:

26 **PARTIES**

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

1 **Automotive Repair Dealer Registration**

2 2. In or about 2000, the Bureau issued Automotive Repair Dealer Registration
3 Number ARD 209888 (“registration”) to James Dennis Corey, also known as Jim Corey
4 (“Respondent”), doing business as Corey’s Automotive & Smog. The registration was in full
5 force and effect at all times relevant to the charges brought herein and will expire on March 31,
6 2012, unless renewed.

7 **Smog Check Station License**

8 3. On or about January 23, 2003, the Bureau issued Smog Check Station Number RC
9 209888 (“station license”) to Respondent. The station license was in full force and effect at all
10 times relevant to the charges brought herein and will expire on March 31, 2012, unless renewed.

11 **Lamp Station License**

12 4. On or about March 13, 2004, the Bureau issued Lamp Station License Number LS
13 209888 to Respondent. The lamp station license was in full force and effect at all times relevant
14 to the charges brought herein and will expire on March 31, 2012, unless renewed.

15 **Brake Station License**

16 5. On or about March 13, 2004, the Bureau issued Brake Station License Number BS
17 209888 to Respondent. The brake station license was in full force and effect at all times relevant
18 to the charges brought herein and will expire on March 31, 2012, unless renewed.

19 **Advanced Emission Specialist Technician License**

20 6. In or about 2003, the Bureau issued Advanced Emission Specialist Technician
21 License Number EA 146078 (“technician license”) to Respondent. Respondent’s technician
22 license was in full force and effect at all times relevant to the charges brought herein and will
23 expire on December 31, 2012, unless renewed.

24 **Brake Adjuster License**

25 7. In or about 2003, the Bureau issued Brake Adjuster License Number BA 146078
26 to Respondent. Respondent’s brake adjuster license was in full force and effect at all times
27 relevant to the charges brought herein and will expire on December 31, 2011, unless renewed.

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10. Section 9889.3 of the Code states, in pertinent part:

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

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

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

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

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

11. Section 9889.1 of the Code states:

Any license issued pursuant to Articles 5 and 6, may be suspended or revoked by the director. The director may refuse to issue a license to any applicant for the reasons set forth in Section 9889.2. The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and the director shall have all the powers granted therein.

12. Section 9889.9 of the Code states:

When any license has been revoked or suspended following a hearing under the provisions of this article, any additional license issued under Articles 5 and 6 of this chapter in the name of the licensee may be likewise revoked or suspended by the director.

13. Section 9889.16 of the Code states:

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

14. Section 9889.7 of the Code states:

The expiration or suspension of a license by operation of law or by order or decision of the director or a court of law, or the voluntary surrender of a license by a licensee shall not deprive the director of jurisdiction to proceed with any investigation of or action or disciplinary proceedings against such licensee, or to render a decision suspending or revoking such license.

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1 15. Code section 9884.8 states:

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

14 16. Code section 9884.9 states, in pertinent part:

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

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

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

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

(signature or initials)"

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

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1 (1) Vehicle Manufacturers' current standards, specifications and
2 recommended procedures, as published in the manufacturers' vehicle service and
3 repair manuals.

4 (2) Current standards, specifications, procedures, directives, manuals,
5 bulletins and instructions issued by vehicle and equipment or device manufacturers.

6 (3) Standards, specifications and recommended procedures found in current
7 industry-standard reference manuals and periodicals published by nationally
8 recognized repair information providers.

9 (4) The bureau's Handbook for Brake Adjusters and Stations, February 2003,
10 which is hereby incorporated by reference.

11 (5) The bureau's Handbook for Lamp Adjusters and Stations, February 2003,
12 which is hereby incorporated by reference.

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

14 The operation of official lamp adjusting stations shall be subject to the
15 following provisions:

16 (d) Effective April 1, 1999, licensed stations shall purchase certificates of
17 adjustment from the bureau for a fee of three dollars and fifty cents (\$3.50) each and
18 shall not purchase or otherwise obtain such certificates from any other source. Full
19 payment is required at the time certificates are ordered. Certificates are not
20 exchangeable following delivery. A licensed station shall not sell or otherwise
21 transfer unused certificates of adjustment. Issuance of a lamp adjustment certificate
22 shall be in accordance with the following provisions:

23 (2) Where all of the lamps, lighting equipment, and related electrical systems
24 on a vehicle have been inspected and found to be in compliance with all requirements
25 of the Vehicle Code and bureau regulations, the certificate shall certify that the entire
26 system meets all of those requirements.

27 25. California Code of Regulations, title 16, section 3321 states, in pertinent part:

28 The operation of official brake adjusting stations shall be subject to the
following provisions:

(c) Effective April 1, 1999, licensed stations shall purchase certificates of
adjustment from the bureau for a fee of three dollars and fifty cents (\$3.50) and shall
not purchase or otherwise obtain such certificates from any other source. A licensed
station shall not sell or otherwise transfer unused certificates of adjustment. Full
payment is required at the time certificates are ordered. Certificates are not
exchangeable following delivery. Issuance of a brake adjustment certificate shall be
in accordance with the following provisions:

(2) Where the entire brake system on any vehicle has been inspected or
tested and found to be in compliance with all requirements of the Vehicle Code and
bureau regulations, and the vehicle has been road-tested, the certificate shall certify
that the entire system meets all such requirements.

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1 26. California Code of Regulations, title 16, section 3356.1 states:

2 An automotive repair dealer may charge a customer for costs associated with
3 the handling, management and disposal of toxic wastes or hazardous substances under
4 California or federal law which directly relate to the servicing or repair of the
5 customer's vehicle. Such charge must be disclosed to the customer by being
6 separately itemized on the estimate prepared pursuant to Section 9884.9(a) of the
7 Business and Professions Code and on the invoice prepared pursuant to Section
8 9884.8 of the Business and Professions Code. In order to assess this charge, the
9 automotive repair dealer must note on the estimate and invoice the station's
10 Environmental Protection Agency identification number required by Section 262.12
11 of Title 40 of the Code of Federal Regulations.

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

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

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

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

23 COST RECOVERY

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

28 CONSUMER COMPLAINT NO. 1 – 1993 DODGE PICKUP

29 29. On or about September 2, 2009, the Bureau received a consumer complaint from
30 Donald St. Denis ("consumer") regarding repairs to his 1993 Dodge Pickup truck performed at
31 Respondent's facility. In or about July 2009, the consumer contacted Respondent regarding the
32 lack of cooling he was experiencing with the air conditioning system in his vehicle. Respondent
33 told the consumer that he would not repair the air conditioning system without first replacing the
34 filter dryer. The consumer purchased a filter dryer and brought it with him to Respondent's
35 facility on July 15, 2009, to be installed. The consumer was not provided with a written estimate
36 for the repairs, but had the work done. Respondent then told the consumer that the air -

1 conditioning system was missing a piece of shrouding causing the system to lose refrigerant and
2 presented the consumer with Repair Order No. 12317 totaling \$278.36 for the repairs already
3 performed. The consumer disagreed with Respondent's diagnosis and took the vehicle to another
4 repair facility which diagnosed the vehicle as needing a new cooling fan clutch. The consumer
5 paid an additional \$370.13 to that facility for that repair.

6 30. On or about September 23, 2009, a Bureau representative requested Respondent to
7 provide a copy of all written records, invoices, and/or estimates regarding the consumer's vehicle

8 31. On or about September 24, 2009, a Bureau representative received a copy of Repair
9 Order No. 12317 from Respondent. Respondent had written the word "estimate" in front of the
10 repair order number. A Bureau representative contacted Respondent and explained to him that he
11 could not alter the repair order by adding the word "estimate" in front of the repair order number.

12 **FIRST CAUSE FOR DISCIPLINE**

13 **(Untrue or Misleading Statements)**

14 32. Respondent's registration is subject to discipline pursuant to Code section
15 9884.7(a)(1), in that on or about July 15, 2009, Respondent made or authorized statements which
16 he knew or in the exercise of reasonable care should have known to be untrue or misleading, in
17 that Respondent altered Repair Order No. 12317 by writing the word "estimate" in front of the
18 repair order number.

19 **SECOND CAUSE FOR DISCIPLINE**

20 **(Departure from Trade Standards)**

21 33. Respondent's registration is subject to discipline under Code section 9884.7(a)(7), in
22 that Respondent willfully departed from or disregarded accepted trade standards for good and
23 workmanlike repair without the consent of the owner or the owner's duly authorized
24 representative in a material respect, in that Respondent failed to document the high and low
25 pressure air conditioning reading, or the center duct temperature reading on Repair Order No.
26 12317, as required by California Code of Regulations, title 16, section 3366(a)(15) and (16).

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1 replaced elsewhere. On or about June 16, 2010, a Bureau representative inspected the front brake
2 pads that had been replaced and found that the brake pads had not worn unevenly¹.

3 **FIFTH CAUSE FOR DISCIPLINE**

4 **(Untrue or Misleading Statements)**

5 37. Respondent's registration is subject to discipline pursuant to Code section
6 9884.7(a)(1), in that on or about February 10, 2010, Respondent made or authorized statements
7 which he knew or in the exercise of reasonable care should have known to be untrue or
8 misleading, in that Respondent falsely represented to the consumer on Repair Order No. 12625
9 that the front brake pads had worn down to the pad indicator and had worn unevenly when, in
10 fact, they had not.

11 **SIXTH CAUSE FOR DISCIPLINE**

12 **(Fraud)**

13 38. Respondent's registration is subject to discipline pursuant to Code section
14 9884.7(a)(4), in that on or about February 10, 2010, Respondent committed acts that constitute
15 fraud, in that Respondent invoiced and received payment from the consumer for replacing the
16 front brake pads when, in fact, that repair was not necessary.

17 **SEVENTH CAUSE FOR DISCIPLINE**

18 **(Failure to Comply with Provisions of the Automotive Repair Act)**

19 39. Respondent's registration is subject to discipline under Code section 9884.7(a)(6),
20 in that on or about February 10, 2010, Respondent failed to materially comply with Code section
21 9884.9(a), in that he failed to provide the consumer with a written estimated price for parts and
22 labor for a specific job.

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26 ¹ The consumer's front brake pads measured at a thickness of 9/32, when the minimum
27 thickness is 2/32.
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2 **CONSUMER COMPLAINT NO. 3 – 1981 HONDA ACCORD**

3 40. On or about June 20, 2010, the Bureau received a consumer complaint from George
4 Scheuchenzuber (“consumer”) regarding repairs to his 1981 Honda Accord performed at
5 Respondent’s facility. On or about January 11, 2010, the consumer drove his vehicle to
6 Respondent's facility for a smog inspection. The consumer told Respondent that he only had
7 \$200 to spend on repairs and the smog inspection. Respondent did not provide the consumer with
8 an estimate. Later that same day, Respondent told the consumer that the vehicle needed a new
9 carburetor kit at a cost of \$90, and that his labor costs had already exceeded \$200. Respondent
10 also told the consumer that he needed additional time to work on the vehicle and that the
11 consumer could make payments to him for the cost of the repairs.

12 41. On or about January 13, 2010, Respondent told the consumer that the repairs were
13 completed, and that the vehicle passed the smog inspection. Respondent told the consumer that
14 the total cost of the repairs was \$742 and that he could not take possession of the vehicle until the
15 repairs had been paid for in full. The consumer paid Respondent \$200.

16 42. On or about February 1, 2010, the consumer paid the balance of the repairs and
17 retrieved his vehicle.

18 **EIGHTH CAUSE FOR DISCIPLINE**

19 **(Failure to Comply with Provisions of the Automotive Repair Act)**

20 43. Respondent’s registration is subject to discipline under Code section 9884.7(a)(6),
21 in that on or about January 11, 2010, Respondent failed to materially comply with the following
22 provisions of that Code:

23 a. **Section 9884.9:**

24 i. Respondent failed to provide the consumer with a written estimated price
25 for parts and labor for a specific job.

26 ii. Respondent failed to obtain the consumer's authorization for additional
27 repairs prior to performing the repairs on the vehicle.

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2 b. **Section 9884.11:**

3 iii. Respondent failed to produce a copy of all work orders, estimates, or
4 invoices regarding the consumer's vehicle when requested by a Bureau representative.

5 **CONSUMER COMPLAINT NO. 4 – 1985 PONTIAC 6000**

6 44. On or about August 18, 2010, the Bureau received a consumer complaint from
7 Arnold Bay (“consumer”) regarding repairs to his 1985 Pontiac 6000 performed at Respondent’s
8 facility. On or about August 12, 2010, the consumer drove his vehicle to Respondent's facility for
9 a smog inspection². Respondent inspected the vehicle and told the consumer that the catalytic
10 converter was causing the vehicle to fail the smog inspection. Respondent also told the consumer
11 he noticed a problem with the vehicle's air conditioning system and asked the consumer if he
12 would like him to inspect it. The consumer agreed. When the consumer returned to retrieve his
13 vehicle, Respondent presented the consumer with Invoice No. 12966 totaling \$196.91, which
14 included repairs to the air conditioning system.

15 45. On or about December 28, 2010, a Bureau representative went to Respondent's
16 facility and requested copies of estimates, invoices, and receipts for parts regarding the
17 consumer's vehicle. Respondent was only able to provide the Bureau representative with a copy
18 of Invoice No. 12966.

19 **NINTH CAUSE FOR DISCIPLINE**

20 **(Failure to Comply with Provisions of the Automotive Repair Act)**

21 46. Respondent’s registration is subject to discipline under Code section 9884.7(a)(6),
22 in that on or about August 12, 2010, Respondent failed to materially comply with the following
23 provisions of that Code:

24 a. **Section 9884.9:**

25 i. Respondent failed to provide the consumer with a written estimated price
26 for parts and labor for a specific job.

27 ² The State of California recommended Respondent's facility to the consumer as a referee,
28 in that the consumer's vehicle had been red-tagged by another facility as a gross polluter.

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2 b. **Section 9884.8:**

3 ii. Respondent failed to describe the services performed and the parts supplied
4 on Invoice No. 12966.

5 c. **Section 9884.11:**

6 iii. Respondent failed to produce a copy of all work orders, estimates, or
7 invoices regarding the consumer's vehicle when requested by a Bureau representative.

8 **TENTH CAUSE FOR DISCIPLINE**

9 **(Departure from Trade Standards)**

10 47. Respondent's registration is subject to discipline under Code section 9884.7(a)(7), in
11 that Respondent willfully departed from or disregarded accepted trade standards for good and
12 workmanlike repair without the consent of the owner or the owner's duly authorized
13 representative in a material respect, in that Respondent failed to document the high and low
14 pressure air conditioning reading, or the center duct temperature reading on Invoice No. 12966, as
15 required by California Code of Regulations, title 16, section 3366(a)(15) and (16).

16 **CONSUMER COMPLAINT NO. 5 – 1989 CHEVROLET S10 BLAZER**

17 48. On or about September 28, 2010, the Bureau received a consumer complaint from
18 Brian Hughes ("consumer") regarding repairs to his 1989 Chevrolet S10 Blazer performed at
19 Respondent's facility. On or about November 4, 2008, the consumer drove his vehicle to
20 Respondent's facility for a smog inspection. Respondent failed to provide the consumer with an
21 estimate.

22 **ELEVENTH CAUSE FOR DISCIPLINE**

23 **(Failure to Comply with Provisions of the Automotive Repair Act)**

24 49. Respondent's registration is subject to discipline under Code section 9884.7(a)(6),
25 in that on or about November 4, 2008, Respondent failed to materially comply with the following
26 provisions of that Code:

27 a. **Section 9884.9:**

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1 i. Respondent failed to provide the consumer with a written estimated price
2 for parts and labor for a specific job.

3 b. **Section 9884.11:**

4 ii. Respondent failed to produce a copy of all work orders, estimates, or
5 invoices regarding the consumer's vehicle when requested by a Bureau representative.

6 **UNDERCOVER OPERATION NO. 1: 1994 FORD EXPLORER**

7 50. On or about September 29, 2010, an undercover Bureau operator ("operator")
8 drove a Bureau documented 1994 Ford Explorer to Respondent's facility for a brake, lamp, and
9 smog inspection³. The operator was greeted by Respondent and requested a brake, lamp, and
10 smog inspection be performed on the vehicle. Respondent gave the operator a verbal estimate of
11 \$260, which the operator agreed to. Later, Respondent prepared Invoice No. 13063 and had the
12 operator sign it. Respondent did not provide the operator with a copy. That same day, the
13 operator returned to Respondent's facility to retrieve the vehicle. Respondent told the operator
14 that the vehicle did not pass the brake inspection because both of the front rotors needed to be
15 replaced; the front brake pads needed to be replaced; and the Anti Lock Brake System ("ABS")
16 had a problem that needed to be further diagnosed. Respondent also told the operator that the
17 vehicle failed the lamp inspection because the high beam indicator and right front marker lamp
18 was not working; however, the vehicle passed the smog inspection. The operator paid
19 Respondent \$260.

20 51. On or about October 11, 2010, the operator contacted Respondent and requested
21 an estimate to repair the vehicle to allow it to pass the brake and lamp inspections. Respondent
22 told the operator it would cost \$869.90, which would include replacing the front brake pads, two
23 rotors, two bottles of brake fluid, and three cans of brake cleaner. Respondent also told the
24 operator that the vehicle needed a further diagnostic check for an additional cost of \$80; and the
25 cost to repair the lights would be \$40 plus parts.

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27 ³ The only repairs necessary were the replacement of the left front brake rotor, right rear
28 brake drum, one marker lamp bulb, and the high beam indicator bulb.

1 c. Respondent certified under penalty of perjury on Lamp Adjustment Certificate
2 Number LC 190799 that he had performed the applicable inspections, adjustments, or repairs on
3 the vehicle in accordance with the laws and regulations when, in fact, the headlamp high beam
4 indicator bulb was non-operational.

5 d. Respondent certified under penalty of perjury on Brake Adjustment Certificate
6 Number BC 552163 that he had performed the applicable inspections, adjustments, or repairs on
7 the vehicle in accordance with the laws and regulations when, in fact, the right rear brake drum
8 was beyond factory specifications for maximum diameter (oversized).

9 **THIRTEENTH CAUSE FOR DISCIPLINE**

10 **(Fraud)**

11 56. Respondent's registration is subject to discipline pursuant to Code section
12 9884.7(a)(4), in that on or about October 14, 2010, Respondent committed acts that constitute
13 fraud, as follows:

14 a. Respondent invoiced and received payment for replacing both front brake calipers
15 and rotors when, in fact, only the left front brake rotor needed to be replaced.

16 b. Respondent invoiced and received payment for an unnecessary diagnostic check of
17 the ABS.

18 c. Respondent invoiced and received payment for bleeding the brake system when, in
19 fact, that service was not performed. In addition, that repair was not necessary.

20 d. Respondent represented on the invoice that additional repairs were authorized
21 when, in fact, they were not.

22 **FOURTEENTH CAUSE FOR DISCIPLINE**

23 **(Gross Negligence)**

24 57. Respondent's registration is subject to discipline under Code section 9884.7(a)(5),
25 in that on or about October 14, 2010, Respondent committed acts constituting gross negligence, in
26 that he failed to properly inspect the brake and lamp system and issued Brake Adjustment
27 Certificate Number BC 552163 and Lamp Adjustment Certificate Number LC 190799, certifying
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1 that the vehicle's brake and lamp systems were in satisfactory condition and were in accordance
2 with the Vehicle Code when, in fact, they were not.

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6 **FIFTEENTH CAUSE FOR DISCIPLINE**

7 **(Departure from Trade Standards)**

8 58. Respondent's registration is subject to discipline under Code section 9884.7(a)(7),
9 in that Respondent willfully departed from or disregarded accepted trade standards for good and
10 workmanlike repair without the consent of the owner or the owner's duly authorized
11 representative in a material respect, as follows:

12 a. Respondent failed to properly inspect the vehicle's brake system and issued Brake
13 Adjustment Certificate Number BC 552163, certifying that the vehicle's brake system was in
14 satisfactory condition and in accordance with the Vehicle Code when, in fact, it was not.

15 b. Respondent failed to properly inspect the vehicle's lamp system and issued Lamp
16 Adjustment Certificate Number LC 190799, certifying that the vehicle's lamp system was in
17 satisfactory condition and in accordance with the Vehicle Code when, in fact, it was not.

18 **SIXTEENTH CAUSE FOR DISCIPLINE**

19 **(Failure to Comply with Provisions of the Automotive Repair Act)**

20 59. Respondent's registration is subject to discipline under Code section 9884.7(a)(6),
21 in that on or about October 14, 2010, Respondent failed to materially comply with the following
22 provisions of that Code:

23 a. **Section 9884.8:** Respondent failed to describe the service work performed on
24 Invoice No. 13099.

25 b. **Section 9884.9:**

26 i. Respondent failed to provide the operator with a copy of Invoice No.
27 13099.

1 provisions of California Code of Regulations, title 16, as more particularly set forth above in
2 paragraph 60.

3 **TWENTY-FOURTH CAUSE FOR DISCIPLINE**

4 **(Acts Involving Dishonesty, Fraud, or Deceit - Adjuster Licenses)**

5 67. Respondent's brake and lamp adjuster licenses are subject to discipline under Code
6 section 9889.3(d), in that on or about October 14, 2010, he committed acts involving dishonesty,
7 fraud, or deceit, by issuing Brake Adjustment Certificate Number BC 552163 and Lamp
8 Adjustment Certificate Number LC 190799, certifying that the brake and lamp systems were in
9 satisfactory condition and were in accordance with the Vehicle Code when, in fact, they were not.

10 **TWENTY-FIFTH CAUSE FOR DISCIPLINE**

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

12 68. Respondent's smog check station license and smog technician license are subject
13 to discipline pursuant to Health and Safety Code section 44072.2(d), in that Respondent
14 committed dishonest, fraudulent, or deceitful acts whereby another was injured, as more
15 particularly set forth above in paragraphs 32, 27, 28, 55, and 56.

16 **OTHER MATTERS**

17 69. 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 James Dennis Corey,
19 doing business as Corey's Automotive & Smog, upon a finding that he has, or is, engaged in a
20 course of repeated and willful violation of the laws and regulations pertaining to an automotive
21 repair dealer.

22 70. Pursuant to Health and Safety Code section 44072.8, if Smog Check Station
23 License Number RC 209888, issued to James Dennis Corey, doing business as Corey's
24 Automotive & Smog, is revoked or suspended, any additional license issued under this chapter in
25 the name of said licensees may be likewise revoked or suspended by the director.

26 71. Pursuant to Health and Safety Code section 44072.8, if Advanced Emission
27 Specialist Technician License Number EA 146078, issued to James Dennis Corey, is revoked or
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1 suspended, any additional license issued under this chapter in the name of said licensee may be
2 likewise revoked or suspended by the director.

3 72. Pursuant to Code section 9889.9, if Lamp Station License Number LS 209888,
4 issued to James Dennis Corey, doing business as Corey's Automotive & Smog, is revoked or
5 suspended, any additional license issued under Articles 5 and 6 of Chapter 20.3 of the Business
6 and Professions Code in the name of said licensees may be likewise revoked or suspended by the
7 director.

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9 73. Pursuant to Code section 9889.9, if Brake Station License Number BS 209888,
10 issued to James Dennis Corey, doing business as Corey's Automotive & Smog, is revoked or
11 suspended, any additional license issued under Articles 5 and 6 of Chapter 20.3 of the Business
12 and Professions Code in the name of said licensees may be likewise revoked or suspended by the
13 director.

14 74. Pursuant to Code section 9889.9, if Brake Adjuster License Number BA 146078,
15 issued to James Dennis Corey, is revoked or suspended, any additional license issued under
16 Articles 5 and 6 of Chapter 20.3 of the Business and Professions Code in the name of said
17 licensee may be likewise revoked or suspended by the director.

18 75. Pursuant to Code section 9889.9, if Lamp Adjuster License Number LA 146078,
19 issued to James Dennis Corey, doing business as Corey's Automotive & Smog, is revoked or
20 suspended, any additional license issued under Articles 5 and 6 of Chapter 20.3 of the Business
21 and Professions Code in the name of said licensee may be likewise revoked or suspended by the
22 director.

23 **PRAYER**

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

26 1. Revoking, suspending, or placing on probation Automotive Repair Dealer
27 Registration No. ARD 209888, issued to James Dennis Corey, doing business as Corey's
28 Automotive & Smog;

1 2. Revoking, suspending, or placing on probation any other automotive repair dealer
2 registration issued to James Dennis Corey;

3 3. Revoking or suspending Smog Check Station License Number RC 209888, issued
4 to James Dennis Corey, doing business as Corey's Automotive & Smog;

5 4. Revoking or suspending any additional license issued under chapter 5, of the
6 Health and Safety Code in the name of James Dennis Corey;

7 5. Revoking or suspending Lamp Station License Number LS 209888, issued to
8 James Dennis Corey, doing business as Corey's Automotive & Smog;

9 6. Revoking or suspending Brake Station License Number BS 209888, issued to
10 James Dennis Corey, doing business as Corey's Automotive & Smog;

11 7. Revoking or suspending any additional license issued under Articles 5 and 6 of
12 Chapter 20.3 of the Business and Professions Code in the name of James Dennis Corey;

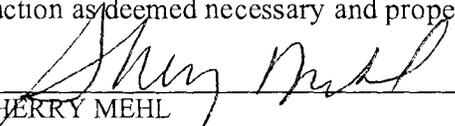
13 8. Revoking or suspending Advanced Emission Specialist Technician License
14 Number EA 146078, issued to James Dennis Corey;

15 9. Revoking or suspending any additional license issued under Chapter 5 of the
16 Health and Safety Code in the name of James Dennis Corey;

17 10. Ordering James Dennis Corey, doing business as Corey's Automotive & Smog to
18 pay the Director of Consumer Affairs the reasonable costs of the investigation and enforcement of
19 this case, pursuant to Code section 125.3; and,

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

21 DATED: 8/31/11


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

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