

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

In the Matter of the Accusation Against:

ALAMEDA ALFA AUTO REPAIR
RAYMOND CHI MING YEUNG
1541 Park Street #B
Alameda, CA 94501

Case No. 77/13-4

Automotive Repair Dealer Registration
No. ARD 214186
Smog Check Station License No.
RC 214186

Advanced Emission Specialist Technician License
No. EA 130792 (to be redesignated upon
renewal as EO 130792 and/or EI 130792)

Respondents.

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby accepted and adopted as the Decision of the Director of the Department of Consumer Affairs in the above-entitled matter. The following typographical errors are noted:

1. Page 1, caption: "EI 632021" should be "EI 130792".
2. Page 2, lines 22 and 23: "EO 632021 and/or EI 632021" should be "EO 130792 and/or EI 130792".

This Decision shall become effective NOV 12 2013.

DATED: October 16, 2013



DONALD CHANG
Assistant Chief Counsel
Department of Consumer Affairs

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 MARETTA WARD
Deputy Attorney General
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Attorneys for Complainant

7
8 **BEFORE THE**
DEPARTMENT OF CONSUMER AFFAIRS
FOR THE BUREAU OF AUTOMOTIVE REPAIR
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 77/13-4

11 **ALAMEDA ALFA AUTO REPAIR**

12 **RAYMOND CHI MING YEUNG**
13 **1541 Park Street #B**
Alameda, CA 94501

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14
15 **Automotive Repair Dealer Registration No.**
ARD 214186

16
17 **Smog Check Station License No. RC 214186**

18
19 **Advanced Emission Specialist Technician**
License No. EA 130792 (to be redesignated
20 **upon renewal as EO 130792 and/or EI**
632021)

21 Respondent.

22
23 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the above-
24 entitled proceedings that the following matters are true:

25 **PARTIES**

26 1. Patrick Dorias is the acting Chief of the Bureau of Automotive Repair. John
27 Wallauch (Complainant) was previously the Chief of the Bureau of Automotive Repair and he
28

1 brought this action solely in his official capacity and is represented in this matter by Kamala D.
2 Harris, Attorney General of the State of California, by Maretta Ward, Deputy Attorney General.

3 2. Respondent Raymond Chi Ming Yeung (Respondent) is represented in this
4 proceeding by attorney David Kelvin Esq., Law Offices of David I. Kelvin, 1516 Oak Street,
5 Suite 316. Alameda, CA 94501.

6 **Automotive Repair Dealer Registration**

7 3. On or about 2000, the Bureau of Automotive Repair issued Automotive Repair
8 Dealer Registration No. ARD 214186 to Raymond Chi Ming Yeung (Respondent). The
9 Automotive Repair Dealer Registration was in full force and effect at all times relevant to the
10 charges brought in Accusation No. 77/13-4 and will expire on December 31, 2013, unless
11 renewed.

12 **Smog Check Station License**

13 4. On or about April 9, 2001, the Bureau of Automotive Repair issued Smog Check
14 Station License No. RC 214186 to Raymond Chi Ming Yeung (Respondent). The Smog Check
15 Station License was in full force and effect at all times relevant to the charges brought in
16 Accusation No. 77/13-4 and will expire on December 31, 2013, unless renewed.

17 **Smog Check Technician License**

18 5. On or about April 2003, the Bureau of Automotive Repair issued Advanced Emission
19 Specialist Technician License No. EA 130792 to Raymond Chi Ming Yeung (Respondent). The
20 Advanced Emission Specialist Technician License was in full force and effect at all times
21 relevant to the charges brought in Accusation No. 77/13-4 and expired on June 30, 2013, unless
22 renewed. Upon renewal of the license, the license will be redesignated as EO 632021 and/or EI
23 632021.¹

24 //

25 //

26 ¹ Effective August 1, 2012, California Code of Regulations, title 16, sections 3340.28,
27 3340.29 and 3340.30 were amended to implement a license restructure from the Advanced
28 Emission Specialist Technician (EA) license and Basic Area (EB) Technician license to Smog
Check Inspector (E)) license and/or Smog Check Repair Technician (EI) License.

1 CULPABILITY

2 12. Respondent admits the truth of each and every charge and allegation in Accusation
3 No. 77/13-4.

4 13. Respondent agrees that his Automotive Repair Dealer Registration is subject to
5 discipline and he agrees to be bound by the Board's probationary terms as set forth in the
6 Disciplinary Order below.

7 CONTINGENCY

8
9 14. This stipulation shall be subject to approval by the Director of Consumer Affairs or
10 the Director's designee. Respondents understand and agree that counsel for Complainant and the
11 staff of the Bureau of Automotive Repair may communicate directly with the Director and staff of
12 the Department of Consumer Affairs regarding this stipulation and settlement, without notice to
13 or participation by Respondents or their counsel. By signing the stipulation, Respondents
14 understand and agree that they may not withdraw its agreement or seek to rescind the stipulation
15 prior to the time the Director considers and acts upon it. If the Director fails to adopt this
16 stipulation as the Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of
17 no force or effect, except for this paragraph, it shall be inadmissible in any legal action between
18 the parties, and the Director shall not be disqualified from further action by having considered
19 this matter.

20 15. The parties understand and agree that facsimile copies of this Stipulated Settlement
21 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and
22 effect as the originals.

23 16. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
24 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
25 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
26 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
27 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
28 writing executed by an authorized representative of each of the parties.

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

3 7. **Jurisdiction.** If an accusation or petition to revoke probation is filed against
4 Respondents during the term of probation, the Director of Consumer Affairs shall have
5 continuing jurisdiction over this matter until the final decision on the accusation or petition to
6 revoke probation, and the period of probation shall be extended until such decision.

7 8. **Violation of Probation.** Should the Director of Consumer Affairs determine that
8 Respondents have failed to comply with the terms and conditions of probation, the Department
9 may, after giving notice and opportunity to be heard, temporarily or permanently invalidate the
10 Registration, and/or suspend or revoke the licenses.

11 9. **Cost Recovery.** Respondents shall be jointly and severally liable to pay cost
12 recovery to the Bureau in the amount of \$48,152.42. Payments shall be made in twenty four (24)
13 equal monthly installments. Payment to the Bureau of the full amount of cost recovery shall be
14 received no later than twelve (12) months before probation terminates. Failure to complete
15 payment of cost recovery within this time frame shall constitute a violation of probation which
16 may subject Respondents' Registration and/or Licenses to outright revocation; however, the
17 Director or the Director's Bureau of Automotive Repair designee may elect to continue probation
18 until such time as reimbursement of the entire cost recovery amount has been made to the Bureau.

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1 ACCEPTANCE

2 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
3 discussed it with my attorney, David I. Kelvin, Esq. I understand the stipulation and the effect it
4 will have on my Automotive Repair Dealer Registration, and Smog Check Station License, and
5 Advanced Emission Specialist Technician License. I enter into this Stipulated Settlement and
6 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
7 Decision and Order of the Bureau of Automotive Repair.

8
9 DATED: 8/14/2013

Raymond Chi Ming Yeung
RAYMOND CHI MING YEUNG
Respondent

11
12 I have read and fully discussed with Respondent Raymond Chi Ming Yeung the terms and
13 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
14 I approve its form and content.

15
16 DATED: 8-14-2013

David I. Kelvin, Esq.
David I. Kelvin, Esq.
Attorney for Respondent

18
19 ENDORSEMENT

20 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
21 submitted for consideration by the Bureau of Automotive Repair.

22
23
24 Dated:

Maretta Ward
MARETTA WARD
Deputy Attorney General
Attorneys for Complainant

25
26
27
28 SF2012204063
Stipulation.rtf

Exhibit A

Accusation No. 77/13-4

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
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7

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

11 In the Matter of the Accusation Against:

Case No. 77/13-4

12 **ALAMEDA ALFA AUTO REPAIR**
13 **RAYMOND C. YEUNG,**
14 **aka RAYMOND CHI MING YEUNG, OWNER**
15 **1541 Park Street, #B**
Alameda, CA 94501

A C C U S A T I O N

16 **Automotive Repair Dealer Reg. No. ARD 214186**
Smog Check Station License No. RC 214186

17 **and**

18 **RAYMOND YEUNG**
19 **1541 Park Street**
Alameda, CA 94501

20 **Advanced Emission Specialist Technician**
21 **License No. EA 130792**

22 Respondents.

23 Complainant alleges:

24 **PARTIES/LICENSE INFORMATION**

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

27 2. In or about 2000, the Director of Consumer Affairs ("Director") issued Automotive
28 Repair Dealer Registration Number ARD 214186 ("registration") to Raymond C. Yeung,

1 also known as Raymond Chi Ming Yeung ("Respondent"), owner of Alameda Alfa Auto Repair.
2 Respondent's registration was in full force and effect at all times relevant to the charges brought
3 herein and will expire on December 31, 2012, unless renewed.

4 3. On or about April 9, 2001, the Director issued Smog Check Station License Number
5 RC 214186 to Respondent. Respondent's smog check station license was in full force and effect
6 at all times relevant to the charges brought herein and will expire on December 31, 2012, unless
7 renewed.

8 4. In or about 2003, the Director issued Advanced Emission Specialist Technician
9 License Number EA 130792 ("technician license") to Respondent. Respondent's technician
10 license was in full force and effect at all times relevant to the charges brought herein and will
11 expire on June 30, 2013, unless renewed.

12 **JURISDICTION**

13 5. Business and Professions Code ("Bus. & Prof. Code") section 9884.7 provides that
14 the Director may revoke an automotive repair dealer registration.

15 6. Bus. & Prof. Code section 9884.13 provides, in pertinent part, that the expiration of a
16 valid registration shall not deprive the Director of jurisdiction to proceed with a disciplinary
17 proceeding against an automotive repair dealer or to render a decision temporarily or permanently
18 invalidating (suspending or revoking) a registration.

19 7. Health and Safety Code ("Health & Saf. Code") section 44002 provides, in pertinent
20 part, that the Director has all the powers and authority granted under the Automotive Repair Act
21 for enforcing the Motor Vehicle Inspection Program.

22 8. Health & Saf. Code section 44072.6 provides, in pertinent part, that the expiration or
23 suspension of a license by operation of law, or by order or decision of the Director of Consumer
24 Affairs, or a court of law, or the voluntary surrender of the license shall not deprive the Director
25 of jurisdiction to proceed with disciplinary action.

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1 13. Bus. & Prof. Code section 477, subdivision (b), states, in pertinent part, that a
2 "license" includes "registration" and "certificate."

3 14. Health & Saf. Code section 44072.2 states, in pertinent part:

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

6

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

9 15. Health & Saf. Code section 44072.8 states that when a license has been revoked or
10 suspended following a hearing under this article, any additional license issued under this chapter
11 in the name of the licensee may be likewise revoked or suspended by the director.

12 16. California Code of Regulations, title 16, section ("Regulation") 3356 states, in
13 pertinent part:

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

16

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

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

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

23 **COST RECOVERY**

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

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UNDERCOVER OPERATION #1: 1996 TOYOTA CAMRY

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2 18. On November 10, 2010, an inspector with the Alameda County District Attorney's
3 Office, acting in an undercover capacity ("operator"), took the Bureau's 1996 Toyota Camry to
4 Respondent's facility. The front brake pads on the Bureau-documented vehicle were below the
5 minimum thickness specifications and the air pressure in the right front tire was low. The
6 operator informed Respondent that the brake warning light was on and the vehicle was pulling to
7 the right. Respondent told the operator that the brake fluid level was low, which was probably
8 caused by worn front brake pads. Respondent also stated that the front end pull could be due to
9 an alignment problem and that if the vehicle needed a front end alignment, he would sublet the
10 work to another automotive repair facility. The operator authorized Respondent to inspect the
11 brakes and front suspension and left the facility.

12 19. At approximately 1318 hours that same day, the operator returned to the facility.
13 Respondent told the operator that the front brakes were worn and were "metal to metal", and that
14 the front brake pads and rotors needed replacement. Respondent also stated that the right front
15 brake caliper needed replacement due to a brake fluid leak. Respondent told the operator that he
16 could replace just the right front caliper; however, he recommended replacing both front calipers.
17 The operator stated that he was going on a trip and did not want any problems. Respondent
18 offered to perform a safety check on the vehicle as well as an oil change, and stated that he would
19 also check the timing belt and rotate the tires free of charge. Respondent told the operator that he
20 would give him a 10 percent discount on all labor and that the repairs would cost a total of \$891.
21 Respondent had the operator sign a work order, but did not give him a copy.

22 20. On November 15, 2010, the operator went to the facility to retrieve the vehicle.
23 Respondent informed the operator that he had installed new brake pads, rotors, and calipers as
24 promised. Respondent then stated that a motor mount on the vehicle was broken and
25 demonstrated to the operator how the engine was moving excessively due to the broken mount.
26 Respondent told the operator that this condition could damage the vehicle and was a safety issue.
27 Respondent also stated that he had inspected the timing belt and found that the belt was "bad".
28 The operator indicated that he would return sometime later to have the recommended repairs

1 performed on the vehicle. The operator paid Respondent \$829.54 and received a copy of Invoice
2 No. [REDACTED]

3 21. On November 16, 2010, the Bureau inspected the vehicle using the above invoice for
4 comparison and found that Respondent performed approximately \$747.50 in unnecessary repairs.
5 The Bureau also found that the timing belt and engine mounts were in good serviceable condition,
6 with the exception of the engine torque/control rod (also known as the "dog bone" engine mount).

7 22. On November 29, 2010, the operator returned to the facility and told Respondent that
8 he wanted the recommended repairs performed on the vehicle. Respondent asked the operator if
9 he wanted both the timing belt and motor mount replaced. The operator indicated that he wanted
10 both parts replaced. Respondent told the operator that the front motor mount, which he had
11 showed him previously, was bad and now the rear motor mount was defective. Respondent had
12 the operator watch the engine while Respondent "power-braked" the vehicle; i.e., applied the
13 accelerator and brake simultaneously. Respondent told the operator that he would replace the
14 timing belt, timing belt tensioner, and front, rear, and side motor mounts. Respondent also stated
15 that he would perform an oil change service and tune-up free of charge and would give the
16 operator a 10 percent discount on all labor. Respondent had the operator sign a written estimate,
17 but did not give him a copy.

18 23. On December 1, 2010, the operator returned to the facility to retrieve the vehicle and
19 met with Respondent. Respondent informed the operator that the camshaft seal was leaking
20 engine oil, so he went ahead and replaced the seal. The operator paid Respondent \$1,728.85 and
21 received a copy of Invoice No. [REDACTED] The invoice indicated that the multi-ribbed accessory
22 belts, camshaft and crankshaft seals, and oil pumps seals were replaced on the vehicle.

23 24. On December 2, 2010, the Bureau inspected the vehicle using Invoice No. [REDACTED]
24 for comparison and found that Respondent performed approximately \$1,591.20 in unnecessary
25 repairs.

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1 FIRST CAUSE FOR DISCIPLINE

2 (Untrue or Misleading Statements)

3 25. Respondent's registration is subject to disciplinary action pursuant to Bus. & Prof.
4 Code section 9884.7, subdivision (a)(1), in that Respondent made or authorized statements which
5 he knew or in the exercise of reasonable care should have known to be untrue or misleading, as
6 follows:

7 a. Respondent represented to the operator that the front brake rotors on the Bureau's
8 1996 Toyota Camry needed replacement. In fact, the only brake repair needed on the vehicle was
9 the replacement of the worn front brake pads. Further, the front brake rotors were new, were in
10 good, serviceable condition, and were not in need of replacement at the time the vehicle was
11 taken to Respondent's facility.

12 b. Respondent represented to the operator that the right front brake caliper on the
13 Bureau's 1996 Toyota Camry needed replacement due to a brake fluid leak. In fact, both front
14 brake calipers were in good, serviceable condition, were free of leaks, and were not in need of
15 replacement at the time the vehicle was taken to Respondent's facility.

16 c. Respondent represented to the operator that the timing belt on the Bureau's 1996
17 Toyota Camry was "bad". In fact, the timing belt was in good, serviceable condition, with no
18 damage, fluid contamination, cracks, cuts, or frays, and was not in need of replacement at the
19 time the vehicle was taken to Respondent's facility.

20 d. Respondent represented to the operator that the front and rear motor mounts on the
21 Bureau's 1996 Toyota Camry were broken or defective. In fact, the engine insulating mounts
22 (with the exception of the engine torque/control rod) were in good serviceable condition, with no
23 cuts or tears in the rubber, and were not in need of replacement at the time the vehicle was taken
24 to Respondent's facility.

25 e. Respondent falsely represented on Invoice No. [REDACTED] that the front brake rotors
26 on the Bureau's 1996 Toyota Camry were "metal to metal", that the front caliper was leaking, and
27 that the vehicle needed a timing belt.

28 ///

1 Bureau's 1996 Toyota Camry in that Respondent failed to record on both invoices the
2 replacement of the engine oil and filter. Further, Respondent failed to record on Invoice No.
3 [REDACTED] the replacement of the spark plugs.

4 **UNDERCOVER OPERATION #2: 2008 CHRYSLER PT CRUISER**

5 30. On April 5, 2011, a detective with the California Department of Insurance, Fraud
6 Division, acting in an undercover capacity ("operator"), took the Bureau's 2008 Chrysler PT
7 Cruiser to Respondent's facility. The front brake pads on the Bureau-documented vehicle were
8 worn and the intake air temperature ("IAT") sensor was defective. The operator asked
9 Respondent if he could check the vehicle because the "check engine" light was on. Respondent
10 told the operator that he would have to perform a diagnosis of the vehicle and that the diagnosis
11 would cost \$150. Respondent had the operator sign a work order, but did not give her a copy.
12 The operator left the facility.

13 31. At approximately 1521 hours that same day, the operator called the facility and spoke
14 with Respondent. Respondent told the operator that the vehicle had a defective IAT sensor and
15 that there was a vacuum leak at the intake manifold.

16 32. On April 7, 2011, the operator returned to the facility. Respondent took the operator
17 to the vehicle and showed her where the defective IAT sensor was located. Respondent told the
18 operator that the check engine light had come on because the intake manifold was leaking air.
19 Respondent also stated that the vehicle needed a tune-up, the front brakes were worn and needed
20 replacement, and the valve cover gasket was leaking. Respondent had the operator sign a written
21 estimate, but did not give her a copy.

22 33. On April 11, 2011, the operator went to the facility to retrieve the vehicle, paid the
23 facility \$1,526.95, and received a copy of Invoice No, [REDACTED]. Later, the Bureau inspected
24 the vehicle using the invoice for comparison and found that Respondent performed approximately
25 \$807.52 of unnecessary repairs on the vehicle. The Bureau also found that Respondent charged
26 the operator approximately \$17.70 for replacing the engine air filter, but had not performed that
27 repair on the vehicle.

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1 **EIGHTH CAUSE FOR DISCIPLINE**

2 **(Fraud)**

3 36. Respondent is subject to disciplinary action pursuant to Bus. & Prof. Code section
4 9884.7, subdivision (a)(4), in that Respondent committed acts constituting fraud, as follows:

5 a. Respondent made false or misleading representations to the operator regarding the
6 condition of the Bureau's 2008 Chrysler PT Cruiser, as set forth in subparagraphs 34 (a) through
7 (c) above, in order to induce the operator to authorize and pay for unnecessary repairs on the
8 vehicle, then sold the operator unnecessary repairs, including the replacement of the intake
9 manifold gasket, valve cover gasket, and spark plugs.

10 b. Respondent obtained payment from the operator for replacing the engine air filter on
11 the Bureau's 2008 Chrysler PT Cruiser when, in fact, that part had not been replaced on the
12 vehicle as invoiced.

13 **NINTH CAUSE FOR DISCIPLINE**

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

15 37. Respondent's smog check station and technician licenses are subject to disciplinary
16 action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent
17 committed dishonest, fraudulent, or deceitful acts whereby another was injured, as set forth in
18 paragraphs 27 and 36 above.

19 **MATTERS IN AGGRAVATION**

20 38. To determine the degree of discipline, if any, to be imposed on Respondent,
21 Complainant alleges as follows:

22 a. On or about October 29, 2007, the Bureau issued Citation No. C08-0427 against
23 Respondent, in his capacity as owner of Alameda Alfa Auto Repair, for violations of Health &
24 Saf. Code section 44012, subdivision (f) (failure to determine that emission control devices and
25 systems required by State and Federal law are installed and functioning correctly in accordance
26 with test procedures); and Regulation 3340.35, subdivision (c) (issuing a certificate of compliance
27 to a vehicle that was improperly tested). On or about October 18, 2007, Respondent issued a
28 certificate of compliance to a Bureau undercover vehicle with a missing pair reed valve assembly.

1 The Bureau assessed civil penalties totaling \$500 against Respondent for the violations.

2 Respondent paid the fine on December 28, 2007.

3 b. On or about March 12, 2008, the Bureau issued Citation No. C08-0778 against
4 Respondent, in his capacity as owner of Alameda Alfa Auto Repair, for violations of Health &
5 Saf. Code section 44012, subdivision (f) (failure to determine that emission control devices and
6 systems required by State and Federal law are installed and functioning correctly in accordance
7 with test procedures); and Regulation 3340.35, subdivision (c) (issuing a certificate of compliance
8 to a vehicle that was improperly tested). On or about February 22, 2008, Respondent issued a
9 certificate of compliance to a Bureau undercover vehicle with a functional ignition timing failure.

10 The Bureau assessed civil penalties totaling \$1,000 against Respondent for the violations.

11 Respondent paid the fine on April 1, 2009.

12 c. On or about November 18, 2008, the Bureau issued Citation No. C09-0609 against
13 Respondent, in his capacity as owner of Alameda Alfa Auto Repair, for violations of Health &
14 Saf. Code section 44012, subdivision (f) (failure to perform a visual/functional check of emission
15 control devices according to procedures prescribed by the department); and Regulation 3340.35,
16 subdivision (c) (issuing a certificate of compliance to a vehicle that was improperly tested). On
17 or about October 29, 2008, Respondent issued a certificate of compliance to a Bureau undercover
18 vehicle with a missing air injection pump. The Bureau assessed civil penalties totaling \$2,000
19 against Respondent for the violations. Respondent paid the fine on April 1, 2009.

20 d. On or about October 29, 2007, the Bureau issued Citation No. M08-0428 against
21 Respondent's technician license for violations of Health & Saf. Code section 44032 (qualified
22 technicians shall perform tests of emission control systems and devices in accordance with Health
23 & Saf. Code section 44012); and Regulation 3340.30, subdivision (a) (qualified technicians shall
24 inspect, test and repair vehicles in accordance with Health & Saf. Code sections 44012 and 44035
25 and Regulation 3340.42). On or about October 18, 2007, Respondent issued a certificate of
26 compliance to a Bureau undercover vehicle with a missing pair reed valve assembly. Respondent
27 was directed to complete an 8 hour training course and to submit proof of completion to the

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1 Bureau within 30 days from receipt of the citation. Respondent completed the training on
2 December 15, 2007.

3 e. On or about March 12, 2008, the Bureau issued Citation No. M08-0779 against
4 Respondent's technician license for violations of Health & Saf. Code section 44032 (qualified
5 technicians shall perform tests of emission control systems and devices in accordance with Health
6 & Saf. Code section 44012); and Regulation 3340.30, subdivision (a) (qualified technicians shall
7 inspect, test and repair vehicles in accordance with Health & Saf. Code sections 44012 and 44035
8 and Regulation 3340.42). On or about February 22, 2008, Respondent issued a certificate of
9 compliance to a Bureau undercover vehicle with a functional ignition timing failure. Respondent
10 was directed to complete a 16 hour training course and to submit proof of completion to the
11 Bureau within 30 days from receipt of the citation. Respondent completed the training on May
12 10, 2008.

13 f. On or about November 18, 2008, the Bureau issued Citation No. M09-0610 against
14 Respondent's technician license for violations of Health & Saf. Code section 44032 (qualified
15 technicians shall perform tests of emission control systems and devices in accordance with Health
16 & Saf. Code section 44012); and Regulation 3340.30, subdivision (a) (qualified technicians shall
17 inspect, test and repair vehicles in accordance with Health & Saf. Code sections 44012 and 44035
18 and Regulation 3340.42). On or about October 29, 2008, Respondent issued a certificate of
19 compliance to a Bureau undercover vehicle with a missing air injection pump. Respondent was
20 directed to complete a Clean Air Car Course and to submit proof of completion to the Bureau.
21 Respondent completed the training on April 2, 2009.

22 **OTHER MATTERS**

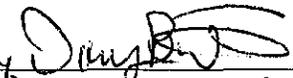
23 39. Pursuant to Bus. & Prof. Code section 9884.7, subdivision (c), the Director suspend,
24 revoke, or place on probation the registration for all places of business operated in this state by
25 Respondent Raymond C. Yeung, also known as Raymond Chi Ming Yeung, owner of Alameda
26 Alfa Auto Repair, upon a finding that said Respondent has, or is, engaged in a course of repeated
27 and willful violations of the laws and regulations pertaining to an automotive repair dealer.

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

DATED: 8/2/12

John Wallauch by 
JOHN WALLAUCH
Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant

SF2012204063