

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

In the Matter of the Accusation Against:

**NAZ AUTO SERVICE,  
dba NAZ AUTO SERVICE**  
3300 Cesar Chavez  
San Francisco, California 94110  
**NASIR JAVAID, President**

Automotive Repair Dealer Registration  
No. AC 215194 ✓  
Smog Check Station License No. RC 215194 ✓  
Lamp Station License No. LC 215194, Class A  
Brake Station License No. BC 215194, Class C

and

**NASIR JAVAID**  
471 Joost Avenue  
San Francisco, California 94127

Advanced Emission Specialist Technician  
License No. EA 130168 ✓  
Brake Adjuster License No. JC 130168C ✓  
Lamp Adjuster License No. RY 130168C ✓

Respondents.

Case No. 79/08-66

**DECISION**

The attached Stipulated Invalidation / Revocation 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.

This Decision shall become effective 2/27/09.

DATED: January 22, 2009

P. J. Harris  
PATRICIA HARRIS  
Deputy Director, Board/Bureau Support  
Department of Consumer Affairs

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
3 LESLIE E. BRAST, State Bar No. 203296  
Deputy Attorney General  
4 455 Golden Gate Avenue, Suite 11000  
San Francisco, CA 94102-7004  
5 Telephone: (415) 703-5548  
6 Facsimile: (415) 703-5480  
7 Attorneys for Complainant

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

10 In the Matter of the Accusation Against:  
11 **NAZ AUTO SERVICE, dba**  
**NAZ AUTO SERVICE**  
12 3300 Cesar Chavez  
San Francisco, California 94110  
13 **NASIR JAVAID, PRESIDENT**  
14 Automotive Repair Dealer Registration  
No. AC 215194  
15 Smog Check Station License No. RC 215194  
Lamp Station License No. LC 215194, Class A  
16 Brake Station License No. BC 215194, Class C  
17 and  
18 **NASIR JAVAID**  
471 Joost Avenue  
19 San Francisco, California 94127  
20 Advanced Emission Specialist Technician  
License No. EA 130168  
21 Brake Adjuster License No. JC 130168C  
Lamp Adjuster License No. RY 130168C  
22  
23 Respondents.

Case No. 79/08-66

**STIPULATED**  
**INVALIDATION / REVOCATION**  
**AND DISCIPLINARY ORDER**

25 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this  
26 proceeding that the following matters are true:  
27 ///  
28 ///



1                   **Advanced Emission Specialist Technician License**

2                   7.       On a date uncertain in 1998, the Bureau issued Advanced Emission  
3 Specialist Technician License Number EA 130168 to Respondent. The license was in full force  
4 and effect at all times relevant to the charges brought in Accusation No. 79/08-66 and will expire  
5 on June 30, 2010, unless renewed.

6                   **Brake Adjustor License**

7                   8.       On a date uncertain in 1993, the Bureau issued Brake Adjustor License  
8 Number JC 130168C to Respondent. The license was in full force and effect at all times relevant  
9 to the charges brought in Accusation No. 79/08-66 and will expire on June 30, 2010, unless  
10 renewed.

11                   **Lamp Adjustor License**

12                   9.       On a date uncertain in 1993, the Bureau issued Lamp Adjustor License  
13 Number RY 130168A to Respondent. The license was in full force and effect at all times  
14 relevant to the charges brought in Accusation No. 79/08-66 and will expire on June 30, 2010,  
15 unless renewed.

16   JURISDICTION

17                   10.     Accusation No. 79/08-66 was filed for the Bureau before the Director of  
18 Consumer Affairs (Director) on March 25, 2008, and is currently pending against Respondent.  
19 The Accusation and all other statutorily required documents were properly served on Respondent  
20 on April 11, 2008. Respondent timely filed a Notice of Defense contesting the Accusation. A  
21 copy of Accusation No. 79/08-66 is attached as Exhibit A and incorporated herein by reference.

22   ADVISEMENT AND WAIVERS

23                   11.     Respondent has carefully read and understands the charges and allegations  
24 contained in Accusation No. 79/08-66. Respondent also has carefully read and understands the  
25 effects of this stipulated settlement and order.

26 ///

27 ///

28 ///





**ORDER**

1  
2 IT IS HEREBY ORDERED that Automotive Repair Dealer License No.  
3 AC215194, issued to Respondent Naz Auto Service, is permanently invalidated; Smog Check  
4 Station License No. RC 215194, Lamp Station License No. LC215194, Class A, and Brake  
5 Station License No. BC 215194, Class C, issued to Respondent Naz Auto Service, are revoked.  
6 It is further ordered that Advanced Emission Specialist Technician License No. EA 130168,  
7 Brake Adjuster License No. JC 130168C, and Lamp Adjuster License No. RY 130168C, issued  
8 to Respondent, Nasir Javaid are revoked.

9           20. The invalidation of Respondent's ARD Registration and the revocation of  
10 Respondent's Smog Check Station License, Lamp Station License, Brake Station License,  
11 Advanced Emission Specialist Technician License, Brake Adjuster License and Lamp Adjuster  
12 License and the Bureau's acceptance of the invalidated/revoked registration and licenses shall  
13 constitute the imposition of discipline against Respondent. This stipulation constitutes a record  
14 of that discipline and shall become a part of Respondent's license history with the Bureau.

15           21. Respondent Auto Service shall lose all rights and privileges as a  
16 Registered Automotive Repair Dealer, Licensed Smog Check Station, Licensed Lamp Station  
17 and Licensed Brake Station in California as of the effective date of the Director's Decision and  
18 Order; Respondent shall lose all rights and privileges as a Licensed Advanced Emission  
19 Specialist Technician, Licensed Brake Adjuster and Licensed Lamp Adjuster in California as of  
20 the effective date of the Director's Decision and Order.

21           22. Respondent shall cause to be delivered to the Bureau any and all wall  
22 and/or pocket certificates of registration and/or licensure on or before the effective date of the  
23 Decision and Order.

24           23. Respondent understands and agrees that if he ever applies for registration  
25 and/or licensure or petitions for reinstatement in the State of California, the Bureau shall treat it  
26 as a new application for registration and/or licensure. Respondent must comply with all the laws,  
27 regulations and procedures for registration and/or licensure in effect at the time the application or  
28 petition is filed, and all of the charges and allegations contained in Accusation No. 79/08-66 shall

OCT/22/2008/WED 10:39 AM

P. 008

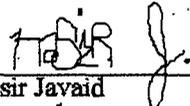
1 be deemed to be true, correct and admitted by Respondent when the Director determines whether  
2 to grant or deny the application or petition.

3 24. Respondent shall pay the Bureau its costs of investigation and enforcement  
4 in the amount of \$25,000.00 at the time of application for a new or reinstated registration or  
5 license.

6 ACCEPTANCE

7 I have carefully read the above Stipulated Invalidation/Revocation of License and  
8 Order. I understand the stipulation and the effect it will have on my Automotive Repair Dealer  
9 Registration, Smog Check Station License, Lamp Station License, Brake Station License,  
10 Advanced Emission Specialist Technician License, Brake Adjuster License and Lamp Adjuster  
11 License. I enter into this Stipulated Revocation of License and Order voluntarily, knowingly and  
12 intelligently, and agree to be bound by the Decision and Order of the Director of Consumer  
13 Affairs.

14 DATED: 10/22/08

15   
16 Nasir Javid  
17 Respondent

17 ENDORSEMENT

18 The foregoing Stipulated Revocation of License and Order is hereby respectfully  
19 submitted for consideration by the Director of Consumer Affairs.

20 DATED: Dec 18, 2008

21 EDMUND G. BROWN JR., Attorney General  
22 of the State of California

23 FRANK H. PACOE  
24 Supervising Deputy Attorney General

25   
26 LESLIE E. BRAST  
27 Deputy Attorney General

28 Attorneys for Complainant

SF2007402263  
40279053.wpd

**Exhibit A**  
**Accusation No. 79/08-66**

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
3 LESLIE E. BRAST, State Bar No. 203296  
Deputy Attorney General  
4 455 Golden Gate Avenue, Suite 11000  
San Francisco, CA 94102-7004  
5 Telephone: (415) 703-5548  
Facsimile: (415) 703-5480  
6  
7 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:  
12 **NAZ AUTO SERVICE, dba**  
13 **NAZ AUTO SERVICE**  
3300 Cesar Chavez  
San Francisco, California 94110  
14 **NASIR JAVAID, PRESIDENT**  
15 Automotive Repair Dealer Registration  
No. AC 215194  
16 Smog Check Station License No. RC 215194  
Lamp Station License No. LC 215194, Class A  
17 Brake Station License No. BC 215194, Class C  
18 and  
19 **NASIR JAVAID**  
471 Joost Avenue  
20 San Francisco, California 94127  
21 Advanced Emission Specialist Technician  
License No. EA 130168  
22 Brake Adjuster License No. JC 130168C  
Lamp Adjuster License No. RY 130168C  
23  
24 Respondents.

Case No. 79/08-66  
**ACCUSATION**  
**SMOG CHECK**

25 Sherry Mehl ("Complainant") alleges:

26 **PARTIES**

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**Automotive Repair Dealer Registration**

2. On or about March 8, 2001, the Bureau issued Automotive Repair Dealer Registration Number AC 215194, (“registration”) to Naz Auto Service, doing business as Naz Auto Service (“Respondent Auto Service”). The registration will expire on March 31, 2008, unless renewed.

**Smog Check Station License**

3. On or about May 16, 2001, the Bureau issued Smog Check Station License Number RC 215194 (“station license”) to Respondent Auto Service. The station license will expire on March 31, 2008, unless renewed.

**Lamp Station License**

4. On or about May 18, 2001, the Bureau issued Lamp Station License Number LC 215194, Class A to Respondent Auto Service. The lamp station license will expire on March 31, 2008, unless renewed.

**Brake Station License**

5. On or about May 18, 2001, the Bureau issued Brake Station License Number BC 215194, Class C to Respondent Auto Service. The brake station license will expire on March 31, 2008, unless renewed.

**Advanced Emission Specialist Technician License**

6. On a date uncertain in 1998, the Bureau issued Advanced Emission Specialist Technician License Number EA 130168 (“technician license”) to Nasir Javid (“Respondent Javid”). The technician license will expire on June 30, 2008, unless renewed.

**Brake Adjustor License**

7. On a date uncertain in 1993, the Bureau issued Brake Adjustor License Number JC 130168C to Respondent Javid. The brake adjuster license will expire on June 30, 2010, unless renewed.

///  
///  
///



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

10 11. Code section 9884.9, subdivision (a), states:

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

27 (1) Make a notation on the invoice of the same facts set forth in the  
28 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.

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

///

1           13.     Code section 9889.1 provides, in pertinent part, that the Director may  
2 suspend or revoke any license issued under Articles 5 and 6 (commencing with Code section  
3 9887.1) of the Automotive Repair Act.

4           14.     Code section 9889.7 provides, in pertinent part, that the expiration or  
5 suspension of a license by operation of law or by order or decision of the Director or a court of  
6 law, or the voluntary surrender of a license shall not deprive the Director of jurisdiction to  
7 proceed with any disciplinary proceedings.

8           15.     Code section 9889.3 states, in pertinent part:

9           The director may suspend, revoke, or take other disciplinary action against  
10 a license as provided in this article [Article 7 (commencing with Code section  
11 9889.1) of the Automotive Repair Act] if the licensee or any partner, officer, or  
12 director thereof:

13           (a) Violates any section of the Code which relates to his or her licensed  
14 activities.

15           (c) Violates any of the regulations promulgated by the director pursuant to  
16 this chapter [the Automotive Repair Act].

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

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

21           16.     Code section 9889.9 states:

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

26           17.     Code section 9889.22 states:

27           The willful making of any false statement or entry with regard to a  
28 material matter in any oath, affidavit, certificate of compliance or noncompliance,  
or application form which is required by this chapter [the Automotive Repair Act]  
or Chapter 5 (commencing with Section 44000) of Part 5 of Division 26 of the  
Health and Safety Code constitutes perjury and is punishable as provided in the  
Penal Code.

          18.     Code section 477 provides, in pertinent part, that "Board" includes  
"bureau," "commission," "committee," "department," "division," "examining committee,"

1 “program,” and “agency.” “License” includes certificate, registration or other means to engage  
2 in a business or profession regulated by the Code.

3 **REGULATORY PROVISIONS**

4 19. California Code of Regulations, title 16, section 3305 states, in pertinent  
5 part:

6 (a) Performance Standards. All adjusting, inspecting, servicing, and  
7 repairing of brake systems and lamp systems shall be performed in official  
8 stations in accordance with current standards, specifications, instructions, and  
9 directives issued by the bureau and by the manufacturer of the device or vehicle.

10 20. California Code of Regulations, title 16, section 3316 states, in pertinent  
11 part:

12 (d)(2) Inspection of the Entire Lighting System. Where all of the lamps,  
13 lighting equipment, and related electrical systems on a vehicle have been  
14 inspected and found in compliance with all requirements of the Vehicle Code and  
15 bureau regulations, the certificate shall certify that the entire system meets all such  
16 requirements.

17 21. California Code of Regulations, title 16, section 3321 states, in pertinent  
18 part:

19 (c)(2) Inspection of the Entire Brake System. Where the entire brake  
20 system on any vehicle has been inspected or tested and found in compliance with  
21 all requirements of the Vehicle Code and bureau regulations, and the vehicle has  
22 been road-tested, the certificate shall certify that the entire system meets all such  
23 requirements.

24 **COST RECOVERY**

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

29 **UNDERCOVER OPERATION - SEPTEMBER 18-19, 2006**

30 23. On or about September 18 - 19, 2006, a Bureau undercover operator using  
31 the alias Jose Gonzales (“operator”) drove a Bureau documented 1993 Chevrolet Caprice,  
32 California License Plate No. 4LSY836, to Respondent Auto Service’s facility. The only repairs  
33 necessary were replacement of the two defective tail light bulbs. Further, the engine coolant



1 a. Respondent Auto Service falsely represented to the operator that the  
2 headlamps were out of adjustment and needed to be adjusted when, in fact, that service was not  
3 necessary.

4 b. Respondent Auto Service falsely represented on Invoice No. 22177 that  
5 the headlamps had been adjusted when, in fact, that service had not been performed as invoiced.

6 c. Respondent Auto Service falsely represented on Lamp Adjustment  
7 Certificate No. LC185837 that the lighting system had been inspected and/or repaired as required  
8 when, in fact, the two (2) right rear tail lamp bulbs were inoperable.

9 d. Respondent Auto Service falsely represented to the operator that the  
10 engine coolant thermostat was bad and needed to be replaced when, in fact, that part was in good  
11 serviceable condition and not in need of replacement.

12 **SECOND CAUSE FOR DISCIPLINE**

13 **(Fraud)**

14 26. Respondent Auto Service has subjected its registration to discipline under  
15 Code section 9884.7, subdivision (a)(4), in that on or about September 18-19, 2006, regarding  
16 the 1993 Chevrolet Caprice, it committed acts which constitute fraud by receiving payment from  
17 the operator, as follows:

18 a. For adjustment of the headlamps when, in fact, that service had not been  
19 performed as invoiced.

20 b. For replacement of the engine coolant thermostat when, in fact, that repair  
21 was not necessary.

22 **THIRD CAUSE FOR DISCIPLINE**

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

24 27. Respondent Auto Service has subjected its registration to discipline under  
25 Code section 9884.7, subdivision (a)(6), in that on or about September 18-19, 2006, regarding  
26 the 1993 Chevrolet Caprice, Respondent failed to materially comply with the following Code  
27 sections:

28 ///

1 a. **Section 9884.8:** Regarding Invoice No. 22177, Respondent Auto Service  
2 failed to describe all service work done and parts supplied for a specific job, specifically  
3 regarding the “convenience processing” fee of \$29.02.

4 b. **Section 9884.9, subdivision (a):** Respondent Auto Service failed to  
5 provide the operator with a written estimated price for parts and labor for a specific job regarding  
6 the replacement of the engine coolant temperature sensor and engine coolant thermostat.

7 c. **Section 9889.22:** Regarding Lamp Certificate No. LC185837,  
8 Respondent Auto Service falsely represented that the lighting system had been inspected,  
9 adjusted, and/or repaired as required when, in fact, the two (2) right rear tail lamp bulbs were  
10 inoperable.

#### 11 **FOURTH CAUSE FOR DISCIPLINE**

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

13 28. Respondent Auto Service has subjected its registration to discipline under  
14 Code section 9884.7, subdivision (a)(6), in that on or about February 18-19, 2006, regarding the  
15 1993 Chevrolet Caprice, he failed to comply with the following sections of California Code of  
16 Regulations, title 16:

17 a. **Section 3305, subdivision (a):** Respondent Auto Service failed to  
18 perform the lighting system inspection in accordance with current standards, specifications,  
19 instructions, and directives issued by the Bureau.

20 b. **Section 3316, subdivision (d)(2):** Respondent failed to inspect the entire  
21 lighting system on the vehicle.

#### 22 **FIFTH CAUSE FOR DISCIPLINE**

##### 23 **(Failure to Comply with Code and Regulations)**

24 29. Respondent has subjected its official lamp station license to discipline  
25 under Code section 9889.3, subsections, (a) through (d), and (h), in that on or about  
26 September 18-19, 2006, regarding the 1993 Chevrolet Caprice, it committed acts in violation of  
27 the Code and California Code of Regulations, title 16, relating to Respondent’s licensed  
28 activities, as set forth in paragraphs 22 through 27, above.



1 **NINTH CAUSE FOR DISCIPLINE**

2 **(Failure to Comply with Chapter Requirements)**

3 33. Respondent Javaid has subjected his lamp adjuster license to discipline  
4 under Code section 9889.3, subdivision (h), in that on or about September 18-19, 2006, regarding  
5 the 1993 Chevrolet Caprice, he violated provisions of this Chapter, as set forth in paragraphs 28  
6 through 31, above.

7 **UNDERCOVER OPERATION - DECEMBER 19-22, 2006**

8 34. On or about December 19-22, 2006, a Bureau undercover operator using  
9 the alias William O'Brien ("operator") drove a Bureau documented 1994 Chevrolet pickup,  
10 California License Plate No. 4X28574, to Respondent Auto Service's facility. The rear brake  
11 drums were oversized and the left rear tail lamp was inoperable. Further, the manifold absolute  
12 pressure ("MAP") sensor was defective. Due to these conditions, the vehicle could not pass a  
13 brake, lamp, or smog inspection. The operator spoke with Respondent Javaid and requested  
14 smog and brake and lamp inspections for certification. Respondent Javaid provided the operator  
15 with an estimate for \$330.86. The operator left the vehicle. A short time later, Respondent  
16 Javaid telephoned the operator and informed him that the vehicle failed the emissions portion of  
17 the smog inspection. Respondent Javaid told the operator that the vehicle's "check engine" light  
18 was on and that the vehicle needed an "emissions diagnosis". Respondent Javaid told the  
19 operator that the brakes were fine; however, he would need to replace a rear tail light bulb and  
20 adjust the headlights. The operator authorized the repairs.

21 35. Later that day, Respondent Javaid informed the operator that the oxygen  
22 sensor was bad and that the total bill would be \$1,058.57. When asked by the operator if the  
23 oxygen sensor was needed in order for the vehicle to pass the smog inspection, Respondent  
24 Javaid confirmed it was.

25 36. On December 21, 2006, the operator contacted Respondent Javaid and he  
26 informed the operator that the vehicle was still unable to pass the smog inspection. Respondent  
27 Javaid said it was because the MAP sensor was bad and the fuel injector was leaking.  
28 Respondent Javaid also told the operator that the revised estimate was \$1,730.23. The operator

1 again asked if these repairs were necessary for the vehicle to pass the smog inspection and  
2 Respondent Javaid confirmed they were. The operator authorized the repairs. Later that day, the  
3 operator returned to Respondent Auto Service to retrieve the vehicle. The operator paid  
4 Respondent Javaid \$1,862.45 and received Estimate No. 059750, Invoice No. 22748, two VIRS,  
5 Brake Adjustment Certificate No. BC368018, and Lamp Adjustment Certificate No. LC320940.

6 **TENTH CAUSE FOR DISCIPLINE**

7 **(Misleading Statements)**

8 37. Respondent Auto Service has subjected its registration to discipline under  
9 Code section 9884.7, subdivision (a)(1), in that on or about December 19-22, 2006, regarding the  
10 1994 Chevrolet pickup, it made statements which it knew or which by exercise of reasonable  
11 care it should have known were untrue or misleading, as follows:

12 a. Respondent Auto Service falsely represented to the operator that the  
13 headlamps were out of adjustment and needed to be adjusted when, in fact, that service was not  
14 necessary.

15 b. Respondent Auto Service falsely represented on Brake Adjustment  
16 Certificate No. BC368018 that the brake drums were satisfactory when, in fact, the rear brake  
17 drums were oversized.

18 c. Respondent Auto Service falsely represented to the operator that the fuel  
19 injectors and oxygen sensor needed to be replaced when, in fact, the only repair necessary was  
20 replacement of the MAP sensor.

21 **ELEVENTH CAUSE FOR DISCIPLINE**

22 **(Fraud)**

23 38. Respondent Auto Service has subjected its registration to discipline under  
24 Code section 9884.7, subdivision (a)(4), in that on or about December 19-22, 2006, regarding the  
25 1994 Chevrolet pickup, it committed acts which constitute fraud, as follows:

26 a. Respondent Auto Service received payment from the operator to adjust the  
27 headlights when, in fact, that service was not necessary.

28 ///



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

b. **Section 9884.9, subdivision (a):**

i. Regarding Estimate No. 059750, Respondent Auto Service failed to show the operator's authorization for additional repairs.

ii. Respondent Auto Service failed to obtain the operator's consent to exceed the original estimate.

c. **Section 9889.22:** Regarding Brake Certificate No. BC368018, Respondent Auto Service falsely represented that the brake drums were satisfactory when, in fact, the brake drums were oversized.

**FIFTEENTH CAUSE FOR DISCIPLINE**

**(Failure to Comply with Regulations)**

42. Respondent Auto Service has subjected its registration to discipline under Code section 9884.7, subdivision (a)(6), in that on or about December 19-22, 2006, regarding the 1994 Chevrolet pickup, he failed to comply with the following sections of California Code of Regulations, title 16:

a. **Section 3305, subdivision (a):** Respondent Auto Service failed to perform the brake inspection in accordance with current standards, specifications, instructions, and directives issued by the Bureau.

b. **Section 3321, subdivision (c)(2):** Respondent failed to inspect the entire brake system on the vehicle.

**SIXTEENTH CAUSE FOR DISCIPLINE**

**(Failure to Comply with Code and Regulations)**

43. Respondent has subjected its official brake station license to discipline under Code section 9889.3, subsections, (a) through (d), and (h), in that on or about December 19-22, 2006, regarding the 1994 Chevrolet pickup, it committed acts in violation of the Code and California Code of Regulations, title 16, relating to Respondent's licensed activities, as set forth in paragraphs 33 through 41, above.

///

///

1 **SEVENTEENTH CAUSE FOR DISCIPLINE**

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

3 44. Respondent Javaid has subjected his brake adjuster license to discipline  
4 under Code section 9889.3, subdivision (a), in that on or about December 19-22, 2006, regarding  
5 the 1994 Chevrolet pickup, he failed to comply with provisions of Code section 9889.22.  
6 Regarding Brake Adjustment Certificate No. BC368018, Respondent Javaid certified that he had  
7 inspected the brake system and that the brake drums were satisfactory when, in fact, the brake  
8 drums were oversized.

9 **EIGHTEENTH CAUSE FOR DISCIPLINE**

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

11 45. Respondent Javaid has subjected his brake adjuster license to discipline  
12 under Code section 9889.3, subdivision (a), in that on or about December 19-22, 2006, regarding  
13 the 1994 Chevrolet pickup, he failed to comply with the following provisions of California Code  
14 of Regulations, title 16:

15 a. **Section 3305, subdivision (a):** Respondent Javaid failed to perform the  
16 brake inspection on the vehicle in accordance with current standards, specifications, instructions,  
17 and directives issued by the Bureau.

18 b. **Section 3321, subdivision (c)(2):** Respondent Javaid failed to inspect the  
19 entire brake system on the vehicle.

20 **NINETEENTH CAUSE FOR DISCIPLINE**

21 **(Acts Involving Dishonesty, Fraud or Deceit)**

22 46. Respondent Javaid has subjected his brake adjuster license to discipline  
23 under Code section 9889.3, subdivision (d), in that on or about December 19-22, 2006, regarding  
24 the 1994 Chevrolet pickup, he committed acts involving dishonesty, fraud or deceit by issuing  
25 Brake Adjustment Certificate No. BC368018, certifying that the rear brake drums were  
26 satisfactory when, in fact, the rear brake drums were oversized.

27 ///

28 ///



1 Respondent informed the operator that the total revised cost would be \$840.70. The operator  
2 authorized the repairs.

3 50. On February 28, 2007, the operator returned to Respondent Auto Service  
4 to retrieve the vehicle. The operator paid Respondent Javid \$840.70 and received Estimate No.  
5 061101, which was used as the final invoice, two VIRS, Brake Adjustment Certificate No.  
6 BC368057, and Lamp Adjustment Certificate No. LC360170.

7 **TWENTY-FIRST CAUSE FOR DISCIPLINE**

8 **(Misleading Statements)**

9 51. Respondent Auto Service has subjected its registration to discipline under  
10 Code section 9884.7, subdivision (a)(1), in that on or about February 26-28, 2007, regarding the  
11 1986 Oldsmobile Cutlass Supreme, it made statements which it knew or which by exercise of  
12 reasonable care it should have known were untrue or misleading, as follows:

13 a. Respondent Auto Service falsely represented on Brake Adjustment  
14 Certificate No. BC368057 that the brake drums were satisfactory when, in fact, the rear brake  
15 drums were oversized.

16 b. Respondent Auto Service falsely represented on Lamp Adjustment  
17 Certificate No. LC360170 that the lighting system had been inspected, adjusted, and/or repaired  
18 when, in fact, the right rear tail lamp was inoperable and one of the headlights was defective.

19 c. Respondent Auto Service falsely represented to the operator that the  
20 vehicle required a "service engine soon" and emissions diagnosis when, in fact, the only repair  
21 necessary was to perform a diagnostic circuit check, retrieve the stored trouble code 23, and  
22 follow the diagnostic flow chart for trouble code.

23 d. At 1630 hours, Respondent Auto Service falsely represented to the  
24 operator that additional repairs were needed to the carburetor for the vehicle to pass a smog  
25 inspection and requested authorization from the operator to perform those repairs. Those repairs  
26 were needed; however, Respondent had already performed those repairs and issued electronic  
27 Certificate of Compliance No. MO783336 for the vehicle at 1617 hours, prior to obtaining the  
28 operator's authorization for such repairs.

1 **TWENTY-SECOND CAUSE FOR DISCIPLINE**

2 **(Fraud)**

3 52. Respondent Auto Service has subjected its registration to discipline under  
4 Code section 9884.7, subdivision (a)(4), in that on or about February 26-28, 2007, regarding the  
5 1986 Oldsmobile Cutlass Supreme, it committed acts which constitute fraud by receiving  
6 payment from the operator to perform a "service engine soon" and emissions diagnosis when, in  
7 fact, the only repair necessary was to perform a diagnostic circuit check, retrieve the stored  
8 trouble code 23, and follow the diagnostic flow chart for trouble code.

9 **TWENTY-THIRD CAUSE FOR DISCIPLINE**

10 **(Failure to Comply with the Automotive Repair Act)**

11 53. Respondent Auto Service has subjected its registration to discipline under  
12 Code section 9884.7, subdivision (a)(6), in that on or about February 26-28, 2007, regarding the  
13 1986 Oldsmobile Cutlass Supreme, Respondent failed to materially comply with the following  
14 Code sections:

15 a. **Section 9884.8:**

16 i. Regarding Estimate No. 061101, which was used as a final invoice,  
17 Respondent Auto Service failed to show subtotal prices for service work and parts. Further, the  
18 document does not specify the sales tax.

19 ii. Regarding Estimate No. 061101, which was used as a final invoice,  
20 Respondent Auto Service failed to describe all service work done and parts supplied for a  
21 specific job, specifically regarding the "convenience processing" fee of \$28.43.

22 b. **Section 9884.9, subdivision (a):** Regarding Estimate No. 061101,  
23 Respondent Auto Service failed to document the operator's authorization for additional repairs.

24 c. **Section 9889.22:**

25 i. Regarding Brake Certificate No. BC368057, Respondent Auto  
26 Service falsely represented that the rear brake drums were satisfactory when, in fact, the rear  
27 brake drums were oversized.

28 ///

1                   ii.       Regarding Lamp Certificate No. LC360170, Respondent Auto  
2 Service falsely represented that the lighting system had been inspected, adjusted, and/or repaired  
3 when, in fact, the right rear tail lamp was inoperative and one of the headlights was defective.

4                                   **TWENTY-FOURTH CAUSE FOR DISCIPLINE**

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

6                   54.       Respondent Auto Service has subjected its registration to discipline under  
7 Code section 9884.7, subdivision (a)(6), in that on or about February 26-28, 2007, regarding the  
8 1986 Oldsmobile Cutlass Supreme, he failed to comply with the following sections of California  
9 Code of Regulations, title 16:

10                   a.       **Section 3305, subdivision (a)**: Respondent Auto Service failed to  
11 perform the brake inspection in accordance with current standards, specifications, instructions,  
12 and directives issued by the Bureau.

13                   b.       **Section 3316, subdivision (d)(2)**: Respondent Auto Service failed to  
14 inspect the entire lighting system.

15                   c.       **Section 3321, subdivision (c)(2)**: Respondent failed to inspect the entire  
16 brake system on the vehicle.

17                                   **TWENTY-FIFTH CAUSE FOR DISCIPLINE**

18   **(Failure to Comply with Code and Regulations)**

19                   55.       Respondent has subjected its official brake and lamp station licenses to  
20 discipline under Code section 9889.3, subsections, (a) through (d), and (h), in that on or about  
21 February 26-28, 2007, regarding the 1986 Oldsmobile Cutlass Supreme, it committed acts in  
22 violation of the Code and California Code of Regulations, title 16, relating to Respondent's  
23 licensed activities, as set forth in paragraphs 47 through 53, above.

24                                   **TWENTY-SIXTH CAUSE FOR DISCIPLINE**

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

26                   56.       Respondent Javaid has subjected his brake and lamp adjuster licenses to  
27 discipline under Code section 9889.3, subdivision (a), in that on or about February 26-28, 2007,

28 ///

1 regarding the 1986 Oldsmobile Cutlass Supreme, he failed to comply with provisions of Code  
2 section 9889.22, as follows:

3 a. Regarding Brake Adjustment Certificate No. BC368057, Respondent  
4 Javid certified that he had inspected the brake system and that the rear brake drums were  
5 satisfactory when, in fact, the rear brake drums were oversized.

6 b. Regarding Lamp Adjustment Certificate No. LC360170, Respondent  
7 certified that he had inspected, adjusted, and/or repaired the lighting system when, in fact, the  
8 right rear tail lamp was inoperative and one of the headlights was defective.

9 **TWENTY-SEVENTH CAUSE FOR DISCIPLINE**

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

11 57. Respondent Javid has subjected his brake and lamp adjuster licenses to  
12 discipline under Code section 9889.3, subdivision (a), in that on or about February 26-28, 2007,  
13 regarding the 1986 Oldsmobile Cutlass Supreme, he failed to comply with the following  
14 provisions of California Code of Regulations, title 16:

15 a. **Section 3305, subdivision (a)**: Respondent Javid failed to perform the  
16 brake inspection on the vehicle in accordance with current standards, specifications, instructions,  
17 handbooks, and directives issued by the Bureau.

18 a. **Section 3316, subdivision (d)(2)**: Respondent Javid failed to inspect  
19 the entire lighting system on the vehicle.

20 b. **Section 3321, subdivision (c)(2)**: Respondent Javid failed to inspect the  
21 entire brake system on the vehicle.

22 **TWENTY-EIGHTH CAUSE FOR DISCIPLINE**

23 **(Acts Involving Dishonesty, Fraud or Deceit)**

24 58. Respondent Javid has subjected his brake and lamp adjuster licenses to  
25 discipline under Code section 9889.3, subdivision (d), in that on or about February 26-28, 2007,  
26 regarding the 1986 Oldsmobile Cutlass Supreme, he committed acts involving dishonesty, fraud  
27 or deceit, as follows:

28 ///

1 a. Respondent Javaid issued Lamp Adjustment Certificate No. LC360170,  
2 certifying that he had inspected, adjusted, and/or repaired the lighting system when, in fact, the  
3 right rear tail lamp was inoperative and one of the headlights was defective.

4 b. Respondent Javaid issued Brake Adjustment Certificate No. BC368057,  
5 certifying that the brake drums were satisfactory when, in fact, the rear brake drums were  
6 oversized.

7 **TWENTY-NINTH CAUSE FOR DISCIPLINE**

8 **(Failure to Comply with Chapter Requirements)**

9 59. Respondent Javaid has subjected his brake and lamp adjuster licenses to  
10 discipline under Code section 9889.3, subdivision (h), in that on or about February 26-28, 2007,  
11 he violated provisions of this Chapter, as set forth in paragraphs 54 through 57, above.

12 **OTHER MATTERS**

13 60. Under Code section 9884.7, subdivision (c), the director may invalidate or  
14 refuse to validate, temporarily or permanently, the registrations for all places of business operated  
15 in this state by Naz Auto Service, doing business as Naz Auto Service, upon a finding that it has,  
16 or is, engaged in a course of repeated and willful violations of the laws and regulations pertaining  
17 to an automotive repair dealer.

18 61. Under Code section 9889.9, if Official Brake Station License Number  
19 BC 215194, Class C, issued to Naz Auto Service, doing business as Naz Auto Service, is  
20 revoked or suspended, any additional license issued under this chapter in the name of said  
21 licensee may be likewise revoked or suspended by the director.

22 62. Under Code section 9889.9, if Official Lamp Station License Number  
23 LC 215194, Class A, issued to Naz Auto Service, doing business as Naz Auto Service, is revoked  
24 or suspended, any additional license issued under this chapter in the name of said licensee may  
25 be likewise revoked or suspended by the director.

26 63. Under Code section 9889.9, if Brake Adjuster License Number  
27 JC 130168C, issued to Nasir Javaid, is revoked or suspended, any additional license issued under  
28 this chapter in the name of said licensee may be likewise revoked or suspended by the director.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

- 11. Revoking or suspending Brake Adjuster License Number JC 130168C,  
issued to Nasir Javaid;
- 12. Revoking or suspending any additional license issued under this chapter in  
the name of Nasir Javaid;
- 13. Revoking or suspending Lamp Adjuster License Number RY 130168C,  
issued to Nasir Javaid;
- 14. Revoking or suspending any additional license issued under this chapter in  
the name of Nasir Javaid;
- 15. Ordering Naz Auto Service and Nasir Javaid to pay the Bureau of  
Automotive Repair the reasonable costs of the investigation and enforcement of this case,  
pursuant to section 125.3; and,
- 16. Taking such other and further action as deemed necessary and proper.

DATED: 3/25/08

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