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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. 77/13-76

13 **CERTIFIED TIRE & SERVICE CENTERS, INC.,**
14 **DBA CERTIFIED TIRE & SERVICE CENTERS, INC.,**
JEFFREY ALAN DARROW, PRESIDENT;
15 **Mailing Address:**
16 **1875 Iowa Avenue**
Riverside, CA 92507

SECOND AMENDED
ACCUSATION

17 **BRANCH OFFICES/REPAIR FACILITIES**

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

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

22
23 **CERTIFIED TIRE & SERVICE CENTERS, INC.,**
DBA CERTIFIED TIRE & SERVICE CENTERS, INC.,
24 **JEFFREY ALAN DARROW, PRESIDENT;**
1820 West Ramsey Street
25 **Banning, CA 92220**

26 **Automotive Repair Dealer Registration No.**
ARD 224215

1 **CERTIFIED TIRE & SERVICE CENTERS, INC.,**
2 **DBA CERTIFIED TIRE & SERVICE CENTERS, INC.,**
3 **JEFFREY ALAN DARROW, PRESIDENT;**
4 **17067 Foothill Boulevard**
5 **Fontana, CA 92335**

6 **Automotive Repair Dealer Registration No.**
7 **ARD 199471**

8 **CERTIFIED TIRE & SERVICE CENTERS, INC.,**
9 **DBA CERTIFIED TIRE & SERVICE CENTERS, INC.,**
10 **JEFFREY ALAN DARROW, PRESIDENT;**
11 **7960 La Palma Avenue**
12 **Buena Park, CA 90620**

13 **Automotive Repair Dealer Registration No.**
14 **ARD 224219**

15 **CERTIFIED TIRE & SERVICE CENTERS, INC.,**
16 **DBA CERTIFIED TIRE & SERVICE CENTERS, INC.,**
17 **JEFFREY ALAN DARROW, PRESIDENT;**
18 **19300 Beach Boulevard**
19 **Huntington Beach, CA 92648**

20 **Automotive Repair Dealer Registration No.**
21 **ARD 203512**

22 **CERTIFIED TIRE & SERVICE CENTERS, INC.,**
23 **DBA CERTIFIED TIRE & SERVICE CENTERS, INC.,**
24 **JEFFREY ALAN DARROW, PRESIDENT;**
25 **16190 Perris Boulevard**
26 **Moreno Valley, CA 92551**

27 **Automotive Repair Dealer Registration No.**
28 **ARD 256933**

CERTIFIED TIRE & SERVICE CENTERS, INC.,
DBA CERTIFIED TIRE & SERVICE CENTERS, INC.,
JEFFREY ALAN DARROW, PRESIDENT;
5062 Warner Avenue
Huntington Beach, CA 92649

Automotive Repair Dealer Registration No.
ARD 271265

1 **CERTIFIED TIRE & SERVICE CENTERS, INC.,**
2 **DBA CERTIFIED TIRE & SERVICE CENTERS, INC.,**
3 **JEFFREY ALAN DARROW, PRESIDENT;**
4 **463 East Foothill Boulevard**
5 **Upland, CA 91786**

6 **Automotive Repair Dealer Registration No.**
7 **ARD 224214**

8 Respondents.

9 Complainant alleges:

10 **PARTIES**

11 1. Patrick Dorais (Complainant) brings this Second Amended Accusation solely in his
12 official capacity as the Chief of the Bureau of Automotive Repair (BAR), Department of
13 Consumer Affairs.

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

15 2. In 1999, the BAR issued Automotive Repair Dealer Registration Number ARD
16 206905 (registration) to Certified Tire & Service Centers, Inc., dba Certified Tire & Service
17 Centers, Inc., Jeffrey Alan Darrow, President (Respondent). The registration was in full force and
18 effect at all times relevant to the charges brought herein and will expire on August 31, 2014,
19 unless renewed.

20 **Automotive Repair Dealer Registration No. ARD 224215 (Banning Facility)**

21 3. On or about November 15, 2002, the BAR issued Automotive Repair Dealer
22 Registration Number ARD 224215 (registration) to Certified Tire & Service Centers, Inc., dba
23 Certified Tire & Service Centers, Inc., Jeffrey Alan Darrow, President (Respondent). The
24 registration was in full force and effect at all times relevant to the charges brought herein and will
25 expire on October 31, 2014, unless renewed.

26 **Automotive Repair Dealer Registration No. ARD 199471 (Fontana Facility)**

27 4. On or about June 17, 1998, the BAR issued Automotive Repair Dealer Registration
28 Number ARD 199471 (registration) to Certified Tire & Service Centers, Inc., dba Certified Tire
& Service Centers, Inc., Jeffrey Alan Darrow, President (Respondent). The registration was in

1 full force and effect at all times relevant to the charges brought herein and will expire on April 30,
2 2014, unless renewed.

3 **Automotive Repair Dealer Registration No. ARD 224219 (Buena Park Facility)**

4 5. On or about November 15, 2002, the BAR issued Automotive Repair Dealer
5 Registration Number ARD 224219 (registration) to Certified Tire & Service Centers, Inc., dba
6 Certified Tire & Service Centers, Inc., Jeffrey Alan Darrow, President (Respondent). The
7 registration was in full force and effect at all times relevant to the charges brought herein and will
8 expire on October 31, 2014, unless renewed.

9 **Automotive Repair Dealer Registration No. ARD 203512 (Huntington Beach, Beach
10 Boulevard Facility)**

11 6. On or about March 9, 1999, the BAR issued Automotive Repair Dealer Registration
12 Number ARD 203512 (registration) to Certified Tire & Service Centers, Inc., dba Certified Tire
13 & Service Centers, Inc., Jeffrey Alan Darrow, President (Respondent). The registration was in
14 full force and effect at all times relevant to the charges brought herein and will expire on February
15 28, 2015, unless renewed.

16 **Automotive Repair Dealer Registration No. ARD 256933 (Moreno Valley Facility)**

17 7. On or about December 16, 2008, the BAR issued Automotive Repair Dealer
18 Registration Number ARD 256933 (registration) to Certified Tire & Service Centers, Inc., dba
19 Certified Tire & Service Centers, Inc., Jeffrey Alan Darrow, President (Respondent). The
20 registration was in full force and effect at all times relevant to the charges brought herein and will
21 expire on December 31, 2014, unless renewed.

22 **Automotive Repair Dealer Registration No. ARD 271265 (Huntington Beach, Warner
23 Avenue Facility)**

24 8. On December 27, 2012, the BAR issued Automotive Repair Dealer Registration
25 Number ARD 271265 (registration) to Certified Tire & Service Centers, Inc., dba Certified Tire
26 & Service Centers, Inc., Jeffrey Alan Darrow, President (Respondent). The registration was in
27 full force and effect at all times relevant to the charges brought herein and will expire on
28 December 31, 2014, unless renewed.

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

3 (4) Any other conduct that constitutes fraud.

4 (5) Conduct constituting gross negligence.

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

7 (7) Any willful departure from or disregard of accepted trade standards for
8 good and workmanlike repair in any material respect, which is prejudicial to
9 another without consent of the owner or his or her duly authorized representative.

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

12

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

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

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

28 **STATUTORY PROVISIONS**

15. Section 9884.8 of the Code states:

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

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1 16. Section 9884.9 of the Code states, in pertinent part:

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

18

19 **REGULATORY PROVISIONS**

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

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

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

26

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

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

.....

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

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(e) Revising an Itemized Work Order. If the customer has authorized repairs according to a work order on which parts and labor are itemized, the dealer shall not change the method of repair or parts supplied without the written, oral, electronic authorization of the customer. The authorization shall be obtained from the customer as provided in subsection (c) and Section 9884.9 of the Business and Professions Code.

....

(g) Definitions. As used in this section, "written " shall mean the communication of information or information in writing, other than by electronic means; "oral" shall mean the oral communication of information either in person or telephonically; "electronic" shall mean the communication of information by facsimile transmission (fax) or electronic mail (e-mail).

18. CCR, section 3356, states, in pertinent part:

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

(1) The invoice shall show the automotive repair dealer's registration number and the corresponding business name and address as shown in the Bureau's records. If the automotive repair dealer's telephone number is shown, it shall comply with the requirements of subsection (b) of Section 3371 of this chapter.

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

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

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

....

19. CCR, section 3371, states, in pertinent part:

"No dealer shall publish, utter, or make or cause to be published, uttered, or made any false or misleading statement or advertisement which is known to be false or misleading, or which by the exercise of reasonable care should be known to be false or misleading.

"...."

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1 20. CCR, section 3372.1, states, in pertinent part:

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

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

7 "..."

8 21. CCR, section 3373, states:

9 "No automotive repair dealer or individual in charge shall, in filling out an estimate,
10 invoice, or work order, or record required to be maintained by section 3340.15(f) of this chapter,
11 withhold therefrom or insert therein any statement or information which will cause any such
12 document to be false or misleading, or where the tendency or effect thereby would be to mislead
13 or deceive customers, prospective customers, or the public."

14 **COST RECOVERY**

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

21 **RESPONDENT'S GARDEN GROVE FACILITY**

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

23 23. On or about June 22, 2011, a BAR undercover operator (operator) drove a BAR
24 documented 2002 Dodge (Dodge) into Respondent's facility in Garden Grove, California and
25 asked the Respondent for an advertised oil change, specially priced at \$11.88. The undercover
26 vehicle had been previously documented as being only in need of an engine oil and filter change
27 and a wheel alignment. The undercover operator signed a work order but was given a copy of the
28 unsigned work order. The total price on the work order was for \$121.11 for an enhanced oil

1 change and to check the balance in the tires. Later that day Respondent's employee, Roger, spoke
2 to the operator and told her that the rear brakes were "Metal to metal", the rear brake wheel
3 cylinders were leaking brake fluid and two tires were out of balance. Roger also told the operator
4 that the vehicle's rear shocks were leaking and that the vehicle needed a new rack and pinion
5 because it was also leaking and an alignment. The operator agreed to all of the recommended
6 repairs. The operator approved the estimate for repairs of \$1,600.00 including tax.

7 24. Later that same day, Roger called the operator to tell her that the rear bushings needed
8 to be replaced because they were worn out, cracked and pushed out due to the rear shocks. The
9 cost of this repair was \$691.90. At first the operator authorized the repair to the rear bushings.
10 She then called the shop back and told them not to do the repair to the bushings but to note their
11 recommendation on her receipt.

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

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

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

28 ///

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Untrue or Misleading Statements)**

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

10 **SECOND CAUSE FOR DISCIPLINE**

11 **(Fraud)**

12 29. Respondent's registration is subject to discipline under Code section 9884.7,
13 subdivision (a)(4), in that on or about June 22, 2011, Respondent made false and misleading
14 representations to the operator regarding the condition of the rack and pinion assembly, the rear
15 brake shoes, the rear brake wheel cylinders, the brake fluid, and the rear shocks and on or about
16 June 23, 2011, accepted payment for those parts and services as set forth in paragraphs 23
17 through 27, above. Respondent also accepted payment for unnecessarily turning the rear drums,
18 flushing the power steering fluid, adding power steering fluid treatment, cleaning the fuel and
19 intake system, and adding an oil system cleaner and treatment.

20 **THIRD CAUSE FOR DISCIPLINE**

21 **(Gross Negligence)**

22 30. Respondent's registration is subject to discipline under Code section 9884.7,
23 subdivision (a)(5), in that on or about June 22, 2011, Respondent was grossly negligent in
24 performing repairs to the Dodge as set forth in paragraphs 23 through 27, above. Respondent
25 damaged the rear leaf spring bushings, the front suspension steering knuckles and the right front
26 suspension outer tie rod end boot, overfilled the engine oil, installed an incorrect oil filter, and
27 used an oil system cleaner treatment and a fuel system additive not recommended by the
28 manufacturer. Respondent also over filled the power steering reservoir and improperly adjusted

1 the camber when performing the front end alignment. The vehicle was returned to the operator
2 with a dripping oily fluid which covered the power steering fluid cooler hoses, the evaporative
3 emissions system purge solenoid and the leak detection pump.

4 **FOURTH CAUSE FOR DISCIPLINE**

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

6 31. Respondent has subjected his registration to discipline pursuant to Business and
7 Professions Code section 9884.7, subdivision (a)(6), in that on June 22, 2011, Respondent failed
8 to comply with the following sections of the Code, as set forth in paragraphs 23 through 27,
9 above:

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

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

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

22 **FIFTH CAUSE FOR DISCIPLINE**

23 **(Violation of Regulations)**

24 32. Respondent has subjected his registration to discipline pursuant to Business and
25 Professions Code section 9884.7, subdivision (a)(6), in that on June 22, 2011, Respondent failed
26 to comply with the following sections of the California Code of Regulations, title 16, as set forth
27 in paragraphs 23 through 27, above:

28

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

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

5 c) **Section 3372.1, subdivision (a):** Respondent's advertisement for an oil change for
6 \$11.88 was unfair and misleading in that it was used as a bait and switch tactic to induce the
7 operator into purchasing unnecessary and more costly repairs.

8 d) **Section 3373:** Respondent created a false and misleading record by recommending
9 the services and repairs for the Dodge by stating that the vehicle needed replacement of the rack
10 and pinion assembly, the rear brake shoes, the rear wheel cylinders, the brake fluid, and the rear
11 shocks. The only service the Dodge needed was an engine oil and filter change and a wheel
12 alignment.

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

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

25 34. On September 23, 2011, the operator returned to Respondent's facility, paid
26 \$1,116.47 and received Invoice number [REDACTED]

27 35. On or about September 23, 2011, a BAR lab technician re-inspected the Honda. He
28 found that Respondent had overfilled the engine oil, did not properly drain the anti/freeze coolant,

1 did not put in the anti/freeze coolant recommended by the manufacturer, diluted the anti/freeze
2 coolant mixture and improperly balanced the wheels.

3 36. The BAR lab technician also found that Respondent performed the following
4 unnecessary repairs; replacing the radiator hoses and related items, replacing the radiator
5 anti/freeze coolant, replacing the front struts and aligning the vehicle.

6 **SIXTH CAUSE FOR DISCIPLINE**

7 **(Untrue or Misleading Statements)**

8 37. Respondent's registration is subject to discipline under Code section 9884.7,
9 subdivision (a)(1), in that on or about September 22, 2011, Respondent made or authorized
10 statements which he knew, or which by exercise of reasonable care should have known to be
11 untrue or misleading, as set forth in paragraphs 33 through 36, above. Respondent told the
12 operator that the Honda needed radiator hoses, a coolant flush, front struts and an alignment,
13 when in fact all of these parts and systems were new and/or in good serviceable condition.

14 **SEVENTH CAUSE FOR DISCIPLINE**

15 **(Fraud)**

16 38. Respondent's registration is subject to discipline under Code section 9884.7,
17 subdivision (a)(4), in that on or about September 22, 2011, Respondent made false and
18 misleading representations to the operator regarding the condition of the radiator hoses, the
19 coolant, the front struts and the alignment and on or about September 23, 2011, accepted payment
20 for those parts and services as set forth in paragraphs 33 through 36, above.

21 **EIGHTH CAUSE FOR DISCIPLINE**

22 **(Gross Negligence)**

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

1 **NINTH CAUSE FOR DISCIPLINE**

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

3 40. Respondent has subjected his registration to discipline pursuant to Business and
4 Professions Code section 9884.7, subdivision (a)(6), in that on September 22, 2011, Respondent
5 failed to comply with the following sections of the Code, as set forth in paragraphs 33 through 36,
6 above:

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

9 b) **Section 9884.7, subdivision (a)(7):** Respondent failed to follow accepted trade
10 standards in that he overfilled the engine oil, did not properly drain the anti/freeze coolant, did not
11 put in the anti/freeze coolant recommended by the manufacturer, diluted the anti/freeze coolant
12 mixture and improperly balanced the wheels.

13 **TENTH CAUSE FOR DISCIPLINE**

14 **(Violation of Regulations)**

15 41. Respondent has subjected his registration to discipline pursuant to Business and
16 Professions Code section 9884.7, subdivision (a)(6), in that on September 22, 2011, Respondent
17 failed to comply with the following sections of the California Code of Regulations, title 16, as set
18 forth in paragraphs 33 through 36, above:

19 a) **Section 3372.1, subdivision (a):** Respondent's advertisement for an oil change for
20 \$15.88 was unfair and misleading in that it was used as a bait and switch tactic to induce the
21 operator into purchasing unnecessary and more costly repairs.

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

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1 **RESPONDENT'S BANNING FACILITY**

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

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

13 43. On August 31, 2011, the operator returned to Respondent's facility, paid \$847.40 and
14 received Invoice number [REDACTED]. The operator also received a copy of a vehicle inspection
15 report. The invoice listed a license number of 224219. The license number for the Banning
16 facility is 224215.

17 44. On or about September 7, 2011, a BAR lab technician re-inspected the Honda. He
18 found that Respondent had not performed a brake fluid flush as recommended.

19 45. The BAR lab technician also found that Respondent performed the following
20 unnecessary repairs; replacing the timing belt and related parts and the water pump.

21 **ELEVENTH CAUSE FOR DISCIPLINE**

22 **(Untrue or Misleading Statements)**

23 46. Respondent's registration is subject to discipline under Code section 9884.7,
24 subdivision (a)(1), in that on or about August 31, 2011, Respondent made or authorized
25 statements which he knew, or which by exercise of reasonable care should have known to be
26 untrue or misleading, as set forth in paragraphs 42 through 45, above. Respondent told the
27 operator that the Honda needed a timing belt and related parts, a water pump and a brake fluid
28 flush, when in fact all of these parts and systems were new and/or in good serviceable condition.

1 **TWELFTH CAUSE FOR DISCIPLINE**

2 **(Fraud)**

3 47. Respondent's registration is subject to discipline under Code section 9884.7,
4 subdivision (a)(4), in that on or about August 31, 2011, Respondent made false and misleading
5 representations to the operator regarding the condition of the timing belt and related parts, the
6 water pump and the brake fluid and on or about August 31, 2011, accepted payment for those
7 parts and services as set forth in paragraphs 42 through 45, above.

8 **THIRTEENTH CAUSE FOR DISCIPLINE**

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

10 48. Respondent has subjected his registration to discipline pursuant to Business and
11 Professions Code section 9884.7, subdivision (a)(6), in that on August 31, 2011, Respondent
12 failed to comply with the following sections of the Code, as set forth in paragraphs 42 through 45,
13 above:

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

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

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

22 **FOURTEENTH CAUSE FOR DISCIPLINE**

23 **(Violation of Regulations)**

24 49. Respondent has subjected his registration to discipline pursuant to Business and
25 Professions Code section 9884.7, subdivision (a)(6), in that on August 31, 2011, Respondent
26 failed to comply with the following sections of the California Code of Regulations, title 16, as set
27 forth in paragraphs 42 through 45, above:

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

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

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

9 **FIFTEENTH CAUSE FOR DISCIPLINE**

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

11 50. Respondent's registration is subject to discipline under Code section 9884.7,
12 subdivision (a)(6), in that on or about August 31, 2011, Respondent failed to comply with the
13 Automotive Repair Act as set forth in paragraphs 42 through 45, above.

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

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

25 52. When the operator picked up the Lincoln after the work was completed she was given
26 Invoice number [REDACTED] and a vehicle inspection report that recommended the following repairs
27 or service: the cooling system, the transmission fluid, the power steering fluid, a fuel system tune
28 up, brake fluid, a new battery and replacement of shocks/struts. None of the items listed were in

1 need of replacement or servicing. The invoice listed a license number of 224219. The license
2 number for the Banning facility is 224215.

3 **SIXTEENTH CAUSE FOR DISCIPLINE**

4 **(Untrue or Misleading Statements)**

5 53. Respondent's registration is subject to discipline under Code section 9884.7,
6 subdivision (a)(1), in that on or about January 27, 2012, Respondent made or authorized
7 statements which he knew, or which by exercise of reasonable care should have known to be
8 untrue or misleading, as set forth in paragraphs 51 and 52, above. Respondent told the operator
9 that the Lincoln needed the following repairs or service: the cooling system, the transmission
10 fluid, the power steering fluid, a fuel system tune up, brake fluid, a new battery and replacement
11 of shocks/struts, when in fact all of these parts and systems were new and/or in good serviceable
12 condition.

13 **SEVENTEENTH CAUSE FOR DISCIPLINE**

14 **(Violation of Regulations)**

15 54. Respondent has subjected his registration to discipline pursuant to Business and
16 Professions Code section 9884.7, subdivision (a)(6), in that on January 27, 2012, Respondent
17 failed to comply with the following sections of the California Code of Regulations, title 16, as set
18 forth in paragraphs 51 and 52, above:

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

21 **EIGHTEENTH CAUSE FOR DISCIPLINE**

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

23 55. Respondent's registration is subject to discipline under Code section 9884.7,
24 subdivision (a)(6), in that on or about January 27, 2012, Respondent failed to comply with the
25 Automotive Repair Act as set forth in paragraphs 51 and 52, above.

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

27 56. On or about February 21, 2012, a BAR undercover operator (operator) returned to
28 Respondent's facility in Banning, California driving the same BAR documented 2006 Lincoln

1 (Lincoln) and asked the Respondent if it was still necessary to have her battery replaced and the
2 60,000 mile service performed as recommended on her last visit to the facility on January 27,
3 2012. The undercover vehicle had been previously documented as not needing any service or
4 repairs. Respondent's employee, Dave, spoke with the operator and told her that the battery
5 needed to be replaced and the vehicle needed a 60,000 mile service. The operator signed a work
6 order but was not given a copy. The operator agreed to the new battery and the 60,000 mile
7 service.

8 57. On February 21, 2012, the operator returned to Respondent's facility, paid \$642.57
9 and received Invoice number [REDACTED]. The invoice listed a license number of 224219. The
10 license number for the Banning facility is 224215.

11 58. On or about February 21, 2012, a BAR lab technician re-inspected the Lincoln. He
12 found that the brake master cylinder had been filled above the maximum level, the tires had not
13 been rotated and coolant was now at about a 52% antifreeze protection, which was reduced from
14 the 58% level it came in with.

15 59. The BAR lab technician also found that Respondent had performed the majority of
16 the 60,000 mile service procedures on the January 27, 2012 visit. No additional 60,000 mile
17 service procedures were performed on the second visit by the Lincoln on February 21, 2012.
18 Respondent had performed repairs and services that were not necessary or called for by the
19 manufacturer for a 60,000 mile service. These unnecessary repairs and services included the
20 following: the replacement of the battery; the flushing of the cooling system, the power steering
21 and the transmission. The additives placed in the transmission, fuel system and oil were not
22 necessary or needed and are not appropriate according to the manufacturer. Also, the fuel and
23 intake systems did not need to be cleaned.

24 **NINETEENTH CAUSE FOR DISCIPLINE**

25 **(Untrue or Misleading Statements)**

26 60. Respondent's registration is subject to discipline under Code section 9884.7,
27 subdivision (a)(1), in that on or about February 21, 2012, Respondent made or authorized
28 statements which he knew, or which by exercise of reasonable care should have known to be

1 untrue or misleading, as set forth in paragraphs 56 through 59, above. Respondent told the
2 operator that the Lincoln needed a new battery and a 60,000 mile service, when in fact all of these
3 parts and systems were new and/or in good serviceable condition.

4 **TWENTIETH CAUSE FOR DISCIPLINE**

5 **(Fraud)**

6 61. Respondent's registration is subject to discipline under Code section 9884.7,
7 subdivision (a)(4), in that on or about February 21, 2012, Respondent made false and misleading
8 representations to the operator regarding the condition of the battery and the fluid systems.
9 Respondent also falsely represented to the operator that he had rotated the tires, and on or about
10 February 21, 2012, accepted payment for those parts and services as set forth in paragraphs 56
11 through 59, above.

12 **TWENTY-FIRST CAUSE FOR DISCIPLINE**

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

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

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

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

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

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1 **TWENTY-SECOND CAUSE FOR DISCIPLINE**

2 **(Violation of Regulations)**

3 63. Respondent has subjected his registration to discipline pursuant to Business and
4 Professions Code section 9884.7, subdivision (a)(6), in that on February 21, 2012, Respondent
5 failed to comply with the following sections of the California Code of Regulations, title 16, as set
6 forth in paragraphs 56 through 59, above:

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

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

11 c) **Section 3371:** Respondent falsely informed the operator that the vehicle needed a
12 60,000 mile service and a new battery.

13 d) **Section 3373:** Respondent created a false and misleading record by recommending
14 the services and repairs for the Lincoln by stating that the vehicle needed a 60,000 mile service
15 and a new battery. The Lincoln did not need any service or repairs.

16 **TWENTY-THIRD CAUSE FOR DISCIPLINE**

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

18 64. Respondent's registration is subject to discipline under Code section 9884.7,
19 subdivision (a)(6), in that on or about February 21, 2012, Respondent failed to comply with the
20 Automotive Repair Act as set forth in paragraphs 56 through 59, above.

21 **RESPONDENT'S FONTANA FACILITY**

22 **UNDERCOVER OPERATION – APRIL 18, 2012**

23 65. On or about April 18, 2012, a BAR undercover operator (operator) drove a BAR
24 documented 2002 Honda (Honda) into Respondent's facility in Fontana, California and asked the
25 Respondent for an engine oil change. The undercover vehicle had been previously documented
26 as being only in need of an engine oil and filter change. The operator signed a work order but
27 was given a copy of the unsigned work order. The total price on the work order was for \$29.07.

28

1 The operator also agreed to and signed a vehicle inspection report that was offered free of charge
2 with the oil change. The operator received a signed copy of the vehicle inspection report.

3 Later that day Respondent's employee, Luis Gonzales (Luis), told the operator that the
4 vehicle needed rear brakes, because the shoes were thin. The operator was told the price for
5 replacing the rear brake shoes, resurfacing the rear drums, changing the brake fluid and changing
6 the engine oil would be \$277.55. The operator verbally authorized the additional repairs and was
7 not given any further documentation.

8 66. On April 19, 2012, the operator returned to Respondent's facility, paid \$277.55 and
9 received Invoice number [REDACTED]. The operator also received a copy of a vehicle inspection
10 report. The vehicle inspection report recommended that the rear suspension struts and the
11 radiator hoses be replaced. The operator called Luis and confirmed with him that the struts and
12 hoses needed to be replaced. None of the items listed were in need of replacement or servicing.

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

16 68. The BAR lab technician also found that Respondent performed the following
17 unnecessary repairs; replacing the rear brake shoes and resurfacing the rear drums.

18 **TWENTY-FOURTH CAUSE FOR DISCIPLINE**

19 **(Untrue or Misleading Statements)**

20 69. Respondent's registration is subject to discipline under Code section 9884.7,
21 subdivision (a)(1), in that on or about April 18, 2012, Respondent made or authorized statements
22 which he knew, or which by exercise of reasonable care should have known to be untrue or
23 misleading, as set forth in paragraphs 65 through 68, above. Respondent told the operator that the
24 Honda needed rear brakes, the rear drums turned and new brake fluid, when in fact all of these
25 parts and systems were new and/or in good serviceable condition. Respondent also informed the
26 operator that the rear suspension struts and the radiator hoses needed to be replaced, when in fact
27 the rear struts and hoses were new and/or in good serviceable condition.

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1 **TWENTY-FIFTH CAUSE FOR DISCIPLINE**

2 **(Fraud)**

3 70. Respondent's registration is subject to discipline under Code section 9884.7,
4 subdivision (a)(4), in that on or about April 18, 2012, Respondent made false and misleading
5 representations to the operator regarding the unnecessary brake repairs and the power bleeding
6 and evacuation of the brake system that was not performed on the Honda and on or about April
7 18, 2012, accepted payment for those parts and services as set forth in paragraphs 65 through 68,
8 above.

9 **TWENTY-SIXTH CAUSE FOR DISCIPLINE**

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

11 71. Respondent has subjected his registration to discipline pursuant to Business and
12 Professions Code section 9884.7, subdivision (a)(6), in that on April 18, 2012, Respondent failed
13 to comply with the following sections of the California Code of Regulations, title 16, as set forth
14 in paragraphs 65 through 68, above:

15 a) **Section 3373:** Respondent created a false and misleading record by recommending
16 the services and repairs for the Honda by stating that the vehicle's rear brakes needed repair and
17 the brake hydraulic system had been power bled and evacuated, when in fact, the brake hydraulic
18 system had not been power bled as invoiced. The only service the Honda needed was an engine
19 oil and filter change.

20 **TWENTY-SEVENTH CAUSE FOR DISCIPLINE**

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

22 72. Respondent's registration is subject to discipline under Code section 9884.7,
23 subdivision (a)(6), in that on or about April 18, 2012, Respondent failed to comply with the
24 Automotive Repair Act as set forth in paragraphs 65 through 68, above.

25 **UNDERCOVER OPERATION – MAY 15, 2012**

26 73. On or about May 15, 2012, a BAR undercover operator (operator) drove a BAR
27 documented 1997 GMC pickup (GMC) into Respondent's facility in Fontana, California and
28 asked the Respondent for an engine oil change and a vehicle inspection. The undercover vehicle

1 had been previously documented as being only in need of an engine oil and filter change. The
2 operator initialed and signed a work order but was given a copy of the unsigned work order with
3 his initials. The total price on the work order was for \$36.62. The operator also agreed to and
4 signed a vehicle inspection report that was offered free of charge with the oil change. The
5 operator received a signed copy of the vehicle inspection report.

6 Later that day Respondent's employee, Luis, told the operator that the vehicle needed a
7 flush and fill of the transmission, the power steering system, the differential, the cooling system
8 and the brake hydraulic system. The operator was also told these services were necessary
9 because the fluids could have metal shavings that could ruin the power steering pump and
10 transmission. The total cost for these services was quoted at \$580.00. The operator verbally
11 authorized the additional repairs over the telephone.

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

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

20 76. The BAR lab technician also found that Respondent performed the following
21 unnecessary repairs; a flush and fill of the transmission, the power steering system, the
22 differential, the cooling system and the brake hydraulic system.

23 **TWENTY-EIGHTH CAUSE FOR DISCIPLINE**

24 **(Untrue or Misleading Statement)**

25 77. Respondent's registration is subject to discipline under Code section 9884.7,
26 subdivision (a)(1), in that on or about May 15, 2012, Respondent made or authorized statements
27 which he knew, or which by exercise of reasonable care should have known to be untrue or
28 misleading, as set forth in paragraphs 73 through 76, above. Respondent told the operator that the

1 GMC needed a flush and fill of the transmission, the power steering system, the differential, the
2 cooling system and the brake hydraulic system, when in fact all of these parts and systems were
3 new and/or in good serviceable condition. Respondent also informed the operator that the
4 vehicle's front wheel bearings were loose and the rear brakes needed adjustment, when in fact the
5 bearings and the rear brakes were new and/or in good serviceable condition.

6 **TWENTY-NINTH CAUSE FOR DISCIPLINE**

7 **(Fraud)**

8 78. Respondent's registration is subject to discipline under Code section 9884.7,
9 subdivision (a)(4), in that on or about May 15, 2012, Respondent made false and misleading
10 representations to the operator regarding the unnecessary flush and fill of the transmission, the
11 power steering system, the differential, the cooling system and the brake hydraulic system that
12 was performed on the GMC and on or about May 15, 2012, accepted payment for those parts and
13 services as set forth in paragraphs 73 through 76, above. Respondent also did not provide the
14 invoiced differential gasket silicone nor did he perform a complete power bleeding of the brake
15 hydraulic system on the GMC.

16 **THIRTIETH CAUSE FOR DISCIPLINE**

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

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

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

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1 **THIRTY-SECOND CAUSE FOR DISCIPLINE**

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

3 84. Respondent has subjected his registration to discipline pursuant to Business and
4 Professions Code section 9884.7, subdivision (a)(6), in that on January 25, 2012, Respondent
5 failed to comply with the following sections of the Code, as set forth in paragraphs 80 through 82,
6 above:

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

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

11 **THIRTY-THIRD CAUSE FOR DISCIPLINE**

12 **(Violation of Regulations)**

13 85. Respondent has subjected his registration to discipline pursuant to Business and
14 Professions Code section 9884.7, subdivision (a)(6), in that on January 25, 2012, Respondent
15 failed to comply with the following sections of the California Code of Regulations, title 16, as set
16 forth in paragraphs 80 through 82, above:

17 a) **Section 3373:** Respondent created a false and misleading record by recommending
18 the unnecessary services and repairs for the Toyota to the cooling system, the transmission fluid,
19 the power steering fluid, a fuel system tune-up, the front and rear struts, the brake fluid and rear
20 brake cleaning and adjustment. The only service the Toyota needed was an engine oil and filter
21 change.

22 **UNDERCOVER OPERATION – AUGUST 8, 2012**

23 86. On or about August 8, 2012, a BAR undercover operator (operator) drove a BAR
24 documented 2001 Honda (Honda) into Respondent's facility in Buena Park, California and asked
25 the Respondent for an engine oil change. The undercover vehicle had been previously
26 documented as being only in need of an engine oil and filter change. The operator signed and
27 initialed a work order but was given a copy that did not contain his signature or initials. The total
28 price on the work order was for \$23.53. Later that day Respondent's employee, Eric, told the

1 operator the timing belt could crack and offered to inspect the belt for \$98.00. The operator
2 agreed to the inspection.

3 87. Later that day the operator returned to Respondent's facility, paid \$121.53 for the oil
4 change and timing belt inspection and received Invoice number [REDACTED]. The operator also
5 received a copy of a vehicle inspection report. The vehicle inspection report recommended that
6 the following repairs or services were required: the cooling system, the transmission fluid, the
7 power steering fluid, a fuel system tune-up, the brake fluid, a wheel alignment and replacement of
8 the timing belt. None of the items listed were in need of replacement or servicing.

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

11 **THIRTY-FOURTH CAUSE FOR DISCIPLINE**

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

13 89. Respondent has subjected his registration to discipline pursuant to Business and
14 Professions Code section 9884.7, subdivision (a)(6), in that on August 8, 2012, Respondent failed
15 to comply with the following sections of the Code, as set forth in paragraphs 86 through 88,
16 above:

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

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

21 **THIRTY-FIFTH CAUSE FOR DISCIPLINE**

22 **(Violation of Regulations)**

23 90. Respondent has subjected his registration to discipline pursuant to Business and
24 Professions Code section 9884.7, subdivision (a)(6), in that on August 8, 2012, Respondent failed
25 to comply with the following sections of the California Code of Regulations, title 16, as set forth
26 in paragraphs 86 through 88, above:

27 a) **Section 3373:** Respondent created a false and misleading record by recommending
28 the unnecessary services and repairs for the Honda to the cooling system, the transmission fluid,

1 the power steering fluid, a fuel system tune-up, the brake fluid, a wheel alignment and
2 replacement of the timing belt. The only service the Honda needed was an engine oil and filter
3 change.

4 **RESPONDENT'S HUNTINGTON BEACH, BEACH BOULEVARD FACILITY**

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

6 91. On or about February 23, 2012, a BAR undercover operator (operator) drove a BAR
7 documented 2002 Nissan (Nissan) into Respondent's facility in Huntington Beach, California and
8 asked the Respondent for an advertised oil change, specially priced at \$15.88. The undercover
9 vehicle had been previously documented as being only in need of an engine oil and filter change.
10 The operator was not asked to sign a work order but was given a copy of the unsigned work
11 order. The total price on the work order was for \$18.51. Later that day Respondent's employee,
12 Doug, spoke to the operator and told him that the struts were weak and should be replaced. Doug
13 also said he would have to do an alignment. He also told the operator that the tires were nine
14 years old and should be replaced because of their age. The operator agreed to all of the
15 recommended repairs.

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

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

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

25 **THIRTY-SIXTH CAUSE FOR DISCIPLINE**

26 **(Untrue or Misleading Statements)**

27 95. Respondent's registration is subject to discipline under Code section 9884.7,
28 subdivision (a)(1), in that on or about February 23, 2012, Respondent made or authorized

1 statements which he knew, or which by exercise of reasonable care should have known to be
2 untrue or misleading, as set forth in paragraphs 91 through 94, above. Respondent told the
3 operator that the Nissan needed replacement of all four struts and all four tires and a four wheel
4 alignment, when in fact all of these parts and systems were new and/or in good serviceable
5 condition.

6 **THIRTY-SEVENTH CAUSE FOR DISCIPLINE**

7 **(Fraud)**

8 96. Respondent's registration is subject to discipline under Code section 9884.7,
9 subdivision (a)(4), in that on or about February 23, 2012, Respondent made false and misleading
10 representations to the operator regarding the condition of the struts, tires and the alignment, and
11 on or about February 23, 2012, accepted payment for those parts and services as set forth in
12 paragraphs 91 through 94, above.

13 **THIRTY-EIGHTH CAUSE FOR DISCIPLINE**

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

15 97. Respondent has subjected his registration to discipline pursuant to Business and
16 Professions Code section 9884.7, subdivision (a)(6), in that on February 23, 2012, Respondent
17 failed to comply with the following sections of the Code, as set forth in paragraphs 91 through 94,
18 above:

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

21 b) **Section 9884.7, subdivision (a)(7):** Respondent failed to follow accepted trade
22 standards in that he overfilled the engine oil, improperly balanced the left front tire, and did not
23 adjust the alignment to manufacturer specifications.

24 **THIRTY-NINTH CAUSE FOR DISCIPLINE**

25 **(Violation of Regulations)**

26 98. Respondent has subjected his registration to discipline pursuant to Business and
27 Professions Code section 9884.7, subdivision (a)(6), in that on February 23, 2012, Respondent
28

1 failed to comply with the following sections of the California Code of Regulations, title 16, as set
2 forth in paragraphs 91 through 94, above:

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

5 b) **Section 3372.1, subdivision (a):** Respondent's advertisement for an oil change for
6 \$15.88 was unfair and misleading in that it was used as a bait and switch tactic to induce the
7 operator into purchasing unnecessary and more costly repairs.

8 c) **Section 3373:** Respondent created a false and misleading record by recommending
9 the services and repairs for the Nissan by stating that the vehicle needed replacement of all four
10 struts, and all four tires and a four wheel alignment. Respondent also recommended that the
11 Nissan needed a fuel system tune-up. The only service the Nissan needed was an engine oil and
12 filter change.

13 **UNDERCOVER OPERATION – SEPTEMBER 26, 2012**

14 99. On or about September 26, 2012, a BAR undercover operator (operator) drove a BAR
15 documented 2001 Hyundai (Hyundai) into Respondent's facility in Huntington Beach, California
16 and asked the Respondent for an advertised oil change, specially priced at \$15.88. The
17 undercover vehicle had been previously documented as being only in need of an engine oil and
18 filter change. The operator signed and initialed a work order but was given a copy that did not
19 contain his signature or initials. The total price on the work order was for \$18.20. The oil change
20 included a tire rotation and a tire air pressure check.

21 100. Later that day the operator returned to Respondent's facility and paid \$18.20 for the
22 oil change. The operator also received a copy of a vehicle inspection report. The vehicle
23 inspection report recommended that the Hyundai needed a fuel system tune-up. The fuel system
24 did not need servicing.

25 101. On or about September 26, 2012, a BAR lab technician re-inspected the Hyundai. He
26 found that Respondent had not rotated the tires or checked the air pressure as indicated on the
27 invoice.

28 ///

1 price on the work order was for \$18.28. Later that day Respondent's employee, Armando, spoke
2 to the operator and told him that the throttle looked gummed up and had to be cleaned and that the
3 fuel injectors needed to be flushed out. The operator agreed to the recommended repairs.

4 105. Later that day the operator returned to Respondent's facility, paid \$163.46 for the oil
5 change, the throttle body cleaning and the fuel injector flush. The throttle body cleaning and the
6 fuel injector flush were not in need of replacement or servicing.

7 106. On or about May 28, 2013, a BAR lab technician re-inspected the Toyota. He found
8 that Respondent had overfilled the engine oil, added an oil additive that was not called for and did
9 not notify the operator the additive was being used.

10 107. The BAR lab technician also found that Respondent did not perform the throttle body
11 cleaning and the fuel injector flush.

12 **FORTY-SECOND CAUSE FOR DISCIPLINE**

13 **(Untrue or Misleading Statements)**

14 108. Respondent's registration is subject to discipline under Code section 9884.7,
15 subdivision (a)(1), in that on or about May 22, 2013, Respondent made or authorized statements
16 which he knew, or which by exercise of reasonable care should have known to be untrue or
17 misleading, as set forth in paragraphs 104 through 107, above. Respondent told the operator that
18 the Toyota needed the throttle body cleaned and the fuel injectors flushed out, when in fact all of
19 these parts and systems were in good serviceable condition.

20 **FORTY-THIRD CAUSE FOR DISCIPLINE**

21 **(Fraud)**

22 109. Respondent's registration is subject to discipline under Code section 9884.7,
23 subdivision (a)(4), in that on or about May 22, 2013, Respondent made false and misleading
24 representations to the operator regarding the unnecessary service to the throttle body and the fuel
25 injectors, that were not performed on the Toyota, and on or about May 22, 2013, accepted
26 payment for those parts and services as set forth in paragraphs 104 through 107, above.

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1 **FORTY-FOURTH CAUSE FOR DISCIPLINE**

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

3 110. Respondent has subjected his registration to discipline pursuant to Business and
4 Professions Code section 9884.7, subdivision (a)(6), in that on May 22, 2013, Respondent failed
5 to comply with the following sections of the Code, as set forth in paragraphs 104 through 107,
6 above:

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

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

11 **FORTY-FIFTH CAUSE FOR DISCIPLINE**

12 **(Violation of Regulations)**

13 111. Respondent has subjected his registration to discipline pursuant to Business and
14 Professions Code section 9884.7, subdivision (a)(6), in that on May 22, 2013, Respondent failed
15 to comply with the following sections of the California Code of Regulations, title 16, as set forth
16 in paragraphs 104 through 107, above:

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

19 b) **Section 3373:** Respondent created a false and misleading record by recommending
20 that the Toyota needed the throttle body cleaned and the fuel injectors flushed out. The only
21 service the Toyota needed was an engine oil and filter change.

22 **UNDERCOVER OPERATION – AUGUST 5, 2013**

23 112. On or about August 5, 2013, a BAR undercover operator (operator) drove a BAR
24 documented 2000 Honda (Honda) into Respondent's facility in Moreno Valley, California and
25 asked the Respondent for an oil and oil filter change. The undercover vehicle had been
26 previously documented as being only in need of an engine oil change. The operator signed and
27 initialed a work order but was given a copy that did not contain his signature or initials. The total
28 price on the work order was for \$39.90, which included an oil system cleaner. Later that day

1 Respondent's employee, Mark Voight (Voight), spoke to the operator and told him that all four of
2 the suspension struts were leaking and needed to be replaced. Voight also told the operator that
3 the timing belt, balance shaft belt and water pump needed to be replaced. The operator agreed to
4 the recommended repairs.

5 113. Later that day the operator returned to Respondent's facility, paid \$2,336.20 for all of
6 the repairs. The struts, timing belt, balance shaft belt and water pump were not in need of
7 replacement or servicing.

8 114. On or about August 14, 2013, a BAR lab technician re-inspected the Honda. He
9 found that Respondent had charged for a radiator chemical flush package that was not called for
10 and did not obtain authorization from the operator to use the flush package.

11 115. Respondent also charged the operator for the inflation of the tires with nitrogen, a tire
12 protection plan and a 3-year/4-wheel alignment policy. The operator had not been notified of
13 these additional charges and did not authorize any of these charges.

14 **FORTY-SIXTH CAUSE FOR DISCIPLINE**

15 **(Untrue or Misleading Statements)**

16 116. Respondent's registration is subject to discipline under Code section 9884.7,
17 subdivision (a)(1), in that on or about August 5, 2013, Respondent made or authorized statements
18 which he knew, or which by exercise of reasonable care should have known to be untrue or
19 misleading, as set forth in paragraphs 112 through 115, above. Respondent told the operator that
20 the Honda needed the timing belt, balance shaft belt, water pump, and four suspension struts
21 replaced, when in fact all of these parts and systems were in good serviceable condition.

22 **FORTY-SEVENTH CAUSE FOR DISCIPLINE**

23 **(Fraud)**

24 117. Respondent's registration is subject to discipline under Code section 9884.7,
25 subdivision (a)(4), in that on or about August 5, 2013, Respondent made false and misleading
26 representations to the operator regarding the unnecessary service to the timing belt, balance shaft
27 belt, water pump, and struts, on the Honda, and on or about August 5, 2013, accepted payment for
28 those parts and services as set forth in paragraphs 112 through 115, above.

1 **FORTY-EIGHTH CAUSE FOR DISCIPLINE**

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

3 118. Respondent has subjected his registration to discipline pursuant to Business and
4 Professions Code section 9884.7, subdivision (a)(6), in that on August 5, 2013, Respondent failed
5 to comply with the following sections of the Code, as set forth in paragraphs 112 through 115,
6 above:

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

9 **FORTY-NINTH CAUSE FOR DISCIPLINE**

10 **(Violation of Regulations)**

11 119. Respondent has subjected his registration to discipline pursuant to Business and
12 Professions Code section 9884.7, subdivision (a)(6), and 9884.9, subdivision (a), in that on
13 August 5, 2013, Respondent failed to comply with the following sections of the California Code
14 of Regulations, title 16, as set forth in paragraphs 112 through 115, above:

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

17 b) **Section 3353, subdivision (c):** Respondent failed to obtain authorization from the
18 operator for the radiator chemical flush package, the inflation of the tires with nitrogen, a tire
19 protection plan and a 3-year/4-wheel alignment policy.

20 c) **Section 3373:** Respondent created a false and misleading record by recommending
21 that the Honda needed the timing belt, balance shaft belt, water pump, and four suspension struts
22 replaced. The only service the Honda needed was an engine oil and filter change.

23 **FIFTIETH CAUSE FOR DISCIPLINE**

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

25 120. Respondent's registration is subject to discipline under Code section 9884.7,
26 subdivision (a)(6), in that on or about August 5, 2013, Respondent failed to comply with the
27 Automotive Repair Act as set forth in paragraphs 112 through 115, above.

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1 **RESPONDENT'S HUNTINGTON BEACH, WARNER AVENUE FACILITY**

2 **UNDERCOVER OPERATION – MARCH 24, 2014**

3 121. On March 24, 2014, a BAR undercover operator (operator) drove a BAR documented
4 2001 Nissan (Nissan) into Respondent's facility on Warner Avenue, in Huntington Beach,
5 California and asked the Respondent for an advertised oil change, specially priced at \$29.99. The
6 undercover vehicle had been previously documented as being only in need of an engine oil and
7 filter change. The operator signed a work order but was given a copy of the unsigned work order.
8 The total price on the work order was for \$29.15. The work order included an oil and oil filter
9 change, the addition of an oil system cleaner and a tire rotation. Later that day Respondent's
10 employee, Art, spoke to the operator and told him that the transmission oil pan gasket was leaking
11 and should be replaced. Art also said it would cost \$139.00 to replace the transmission oil pan
12 gasket and the transmission fluid. The operator agreed to all of the recommended repairs.

13 122. Later that day the operator returned to Respondent's facility and paid the invoice of
14 \$179.76. Items on the invoice included the oil and oil filter change, the tire rotation, the
15 replacement of the transmission oil pan gasket, the replacement of the transmission oil filter and
16 the addition of transmission fluid. The replacement of the transmission oil pan gasket, the
17 replacement of the transmission oil filter and the addition of transmission fluid were not
18 necessary and were not in need of replacement or servicing.

19 123. On March 25, 2014, a BAR lab technician re-inspected the Nissan. She found that
20 Respondent had charged for the replacement of the transmission oil filter, but did not replace it.

21 124. The BAR lab technician also found that Respondent performed the following
22 unnecessary repairs; replaced the transmission oil pan gasket and the transmission fluid.

23 **FIFTY-FIRST CAUSE FOR DISCIPLINE**

24 **(Untrue or Misleading Statements)**

25 125. Respondent's registration is subject to discipline under Code section 9884.7,
26 subdivision (a)(1), in that on or about March 24, 2014, Respondent made or authorized statements
27 which he knew, or which by exercise of reasonable care should have known to be untrue or
28 misleading, as set forth in paragraphs 121 through 124, above. Respondent told the operator that

1 the Nissan needed the transmission oil pan gasket and the transmission fluid replaced, when in
2 fact all of these parts and systems were in good serviceable condition.

3 **FIFTY-SECOND CAUSE FOR DISCIPLINE**

4 **(Fraud)**

5 126. Respondent's registration is subject to discipline under Code section 9884.7,
6 subdivision (a)(4), in that on or about March 24, 2014, Respondent made false and misleading
7 representations to the operator regarding the unnecessary replacement of the transmission oil pan
8 gasket and the transmission fluid, that was performed on the Nissan and on or about March 24,
9 2014, accepted payment for those parts and services as set forth in paragraphs 121 through 124,
10 above. Respondent also did not provide and install the invoiced transmission oil filter on the
11 Nissan.

12 **FIFTY-THIRD CAUSE FOR DISCIPLINE**

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

14 127. Respondent has subjected his registration to discipline pursuant to Business and
15 Professions Code section 9884.7, subdivision (a)(6), in that on March 24, 2014, Respondent
16 failed to comply with the following sections of the Code, as set forth in paragraphs 121 through
17 124, above:

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

20 **FIFTY-FOURTH CAUSE FOR DISCIPLINE**

21 **(Violation of Regulations)**

22 128. Respondent has subjected his registration to discipline pursuant to Business and
23 Professions Code section 9884.7, subdivision (a)(6), in that on March 24, 2014, Respondent
24 failed to comply with the following sections of the California Code of Regulations, title 16, as set
25 forth in paragraphs 121 through 124, above:

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

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1 wheel alignment was "off" and that the vehicle needed a four wheel alignment. Anthony also
2 said it would cost about \$1,000.00 for all repairs.

3 Later that day Respondent's employee, Anthony again called the operator and told him that
4 the vehicle needed a camber kit to align the front wheels. Anthony told the operator that the
5 camber kit would add \$150.00 to the cost of repair. The operator agreed to all of the
6 recommended repairs.

7 131. On December 20, 2013, the operator returned to Respondent's facility and paid the
8 invoice of \$1,158.24. Items on the invoice included the oil and oil filter change, the oil system
9 cleaner, the engine treatment, the tire rotation, the balancing of the tires, the replacement of the
10 spark plugs and wires, the fuel injection cleaning, the cleaning and adjusting of the rear brakes,
11 the replacement of the control arm bushings, the four wheel alignment, and the camber kit. The
12 oil system cleaner, the engine treatment, the tire rotation, the balancing of the tires, the
13 replacement of the spark plugs and wires, the fuel injection cleaning, the cleaning and adjusting
14 of the rear brakes, the replacement of the control arm bushings, the four wheel alignment, and the
15 camber kit were not necessary and were not in need of replacement or servicing.

16 132. On February 5, 2014, a BAR lab technician re-inspected the Dodge. She found that
17 Respondent had charged for the cleaning of the fuel injection and intake system, but did not
18 perform the work. The lab technician found that Respondent did not properly adjust the left front
19 wheel camber angle, leaving it over the maximum specification. Respondent also overfilled the
20 engine oil, and used an oil system cleaner treatment not recommended by the manufacturer.

21 133. The BAR lab technician found that Respondent performed the following unnecessary
22 repairs; the oil system cleaner, the engine treatment, the tire rotation, the balancing of the tires,
23 the replacement of the spark plugs and wires, the fuel injection cleaning, the cleaning and
24 adjusting of the rear brakes, the replacement of the control arm bushings, the four wheel
25 alignment, and the camber kit.

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1 **FIFTY-SIXTH CAUSE FOR DISCIPLINE**

2 **(Untrue or Misleading Statements)**

3 134. Respondent's registration is subject to discipline under Code section 9884.7,
4 subdivision (a)(1), in that on or about December 19, 2013, Respondent made or authorized
5 statements which he knew, or which by exercise of reasonable care should have known to be
6 untrue or misleading, as set forth in paragraphs 130 through 133, above. Respondent told the
7 operator that the Dodge needed the oil system cleaner, the engine treatment, the tire rotation, the
8 balancing of the tires, the replacement of the spark plugs and wires, the fuel injection cleaning,
9 the cleaning and adjusting of the rear brakes, the replacement of the control arm bushings, the
10 four wheel alignment, and the camber kit, when in fact all of these parts and systems were in
11 good serviceable condition.

12 **FIFTY-SEVENTH CAUSE FOR DISCIPLINE**

13 **(Fraud)**

14 135. Respondent's registration is subject to discipline under Code section 9884.7,
15 subdivision (a)(4), in that on or about December 19, 2013, Respondent made false and misleading
16 representations to the operator regarding the unnecessary oil system cleaner, the engine treatment,
17 the tire rotation, the balancing of the tires, the replacement of the spark plugs and wires, the fuel
18 injection cleaning, the cleaning and adjusting of the rear brakes, the replacement of the control
19 arm bushings, the four wheel alignment, and the camber kit, that was performed on the Dodge
20 and on or about December 20, 2013, accepted payment for those parts and services as set forth in
21 paragraphs 130 through 133, above.

22 **FIFTY-EIGHTH CAUSE FOR DISCIPLINE**

23 **(Gross Negligence)**

24 136. Respondent's registration is subject to discipline under Code section 9884.7,
25 subdivision (a)(5), in that on or about December 19, 2013, Respondent was grossly negligent in
26 performing repairs to the Dodge as set forth in paragraphs 130 through 133, above. Respondent
27 did not properly adjust the left front wheel camber angle, overfilled the engine oil, and used an oil
28 system cleaner treatment not recommended by the manufacturer.

1 **FIFTY-NINTH CAUSE FOR DISCIPLINE**

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

3 137. Respondent has subjected his registration to discipline pursuant to Business and
4 Professions Code section 9884.7, subdivision (a)(6), in that on December 19, 2013, Respondent
5 failed to comply with the following sections of the Code, as set forth in paragraphs 130 through
6 133, above:

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

9 b) **Section 9884.7, subdivision (a)(7):** Respondent failed to follow accepted trade
10 standards in that he did not properly adjust the left front wheel camber angle, overfilled the
11 engine oil, and used an oil system cleaner treatment not recommended by the manufacturer.

12 **SIXTIETH CAUSE FOR DISCIPLINE**

13 **(Violation of Regulations)**

14 138. Respondent has subjected his registration to discipline pursuant to Business and
15 Professions Code section 9884.7, subdivision (a)(6), in that on December 19, 2013, Respondent
16 failed to comply with the following sections of the California Code of Regulations, title 16, as set
17 forth in paragraphs 130 through 133, above:

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

20 b) **Section 3371:** Respondent falsely informed the operator that the vehicle needed the
21 oil system cleaner, the engine treatment, the tire rotation, the balancing of the tires, the
22 replacement of the spark plugs and wires, the fuel injection cleaning, the cleaning and adjusting
23 of the rear brakes, the replacement of the control arm bushings, the four wheel alignment, and the
24 camber kit.

25 c) **Section 3373:** Respondent created a false and misleading record by recommending
26 the services and repairs for the Dodge by stating that the vehicle needed the oil system cleaner,
27 the engine treatment, the tire rotation, the balancing of the tires, the replacement of the spark
28 plugs and wires, the fuel injection cleaning, the cleaning and adjusting of the rear brakes, the

1 replacement of the control arm bushings, the four wheel alignment, and the camber kit. The only
2 service the Dodge needed was an engine oil and filter change.

3 **SIXTY-FIRST CAUSE FOR DISCIPLINE**

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

5 139. Respondent's registration is subject to discipline under Code section 9884.7,
6 subdivision (a)(6), in that on December 19, 2013, Respondent failed to comply with the
7 Automotive Repair Act as set forth in paragraphs 130 through 133, above.

8 **UNDERCOVER OPERATION – MARCH 13, 2014**

9 140. On March 13, 2014, a BAR undercover operator (operator) drove a BAR documented
10 2007 Chevrolet (Chevrolet) into Respondent's facility, in Upland, California and asked the
11 Respondent for an oil change and tire rotation. The undercover vehicle had been previously
12 documented as being only in need of an engine oil and filter change. The operator signed a work
13 order but was given a copy of the unsigned work order. The total price on the work order was for
14 \$53.99. The work order included an oil and oil filter change, the addition of an oil system
15 cleaner, an Everwear engine treatment and a tire rotation. Later that day Respondent's employee,
16 Russell, spoke to the operator and told him that the engine was leaking oil at the valve covers,
17 timing cover, intake manifold and oil pan. The operator was also told by Russell that the rack and
18 pinion assembly was leaking oil and needed to be replaced, the power steering system would need
19 to be flushed after the rack and pinion replacement, the steering tie rod ends required replacement
20 and a four wheel alignment would need to be performed after the rack and pinion replacement.
21 Russell also said it would cost \$3,005.00 to repair the oil leaks, replace the rack and pinion
22 assembly and the tie rod ends and the power steering flush.

23 On March 14, 2014, Respondent's employee, Luis, spoke to the operator and told him that
24 the vehicle's alternator bracket arm was corroded and needed to be replaced, and that the front
25 wheel hubs "have play" and needed to be replaced. Luis also said it would cost \$4,919.00 for all
26 repairs. The operator agreed to all of the recommended repairs.

27 141. On March 17, 2014, the operator returned to Respondent's facility and paid the
28 invoice of \$4,915.05. Items on the invoice included the oil and oil filter change, the oil system

1 cleaner, the engine treatment, the tire rotation, the replacement of the valve cover, timing cover,
2 intake manifold and oil pan gaskets, the replacement of the rack and pinion assembly, the tie rod
3 ends and the wheel hubs, the power steering flush, and the four wheel alignment. The invoice
4 also included a charge for the replacement of the intake manifold bolts. The oil system cleaner,
5 the engine treatment, the replacement of the valve cover, timing cover, intake manifold and oil
6 pan gaskets, the replacement of the rack and pinion assembly, the tie rod ends and the wheel
7 hubs, the power steering flush, the four wheel alignment and the replacement of the intake
8 manifold bolts were not necessary and were not in need of replacement or servicing.

9 142. On March 18, 2014, a BAR lab technician re-inspected the Chevrolet. He found that
10 Respondent had charged for the replacement of the intake manifold bolts, but did not replace the
11 bolts. The lab technician found that Respondent did not properly replace the rack and pinion
12 assembly in that it was leaking fluid, the Respondent had not performed the four wheel alignment
13 in that the rear suspension had not been adjusted, and the four wheels had not been rotated.
14 Respondent also overfilled the engine oil, and used an oil system cleaner treatment not
15 recommended by the manufacturer.

16 143. The BAR lab technician found that Respondent performed the following unnecessary
17 repairs; the oil system cleaner, the engine treatment, the replacement of the valve cover, timing
18 cover, intake manifold and oil pan gaskets, the replacement of the rack and pinion assembly, the
19 tie rod ends and the wheel hubs, the power steering flush, and the four wheel alignment.

20 **SIXTY-SECOND CAUSE FOR DISCIPLINE**

21 **(Untrue or Misleading Statements)**

22 144. Respondent's registration is subject to discipline under Code section 9884.7,
23 subdivision (a)(1), in that on or about March 13, 2014, Respondent made or authorized statements
24 which he knew, or which by exercise of reasonable care should have known to be untrue or
25 misleading, as set forth in paragraphs 140 through 143, above. Respondent told the operator that
26 the Chevrolet needed the oil system cleaner, the engine treatment, the replacement of the valve
27 cover, timing cover, intake manifold and oil pan gaskets, the replacement of the rack and pinion
28

1 assembly, the tie rod ends and the wheel hubs, the power steering flush, and the four wheel
2 alignment, when in fact all of these parts and systems were in good serviceable condition.

3 **SIXTY-THIRD CAUSE FOR DISCIPLINE**

4 **(Fraud)**

5 145. Respondent's registration is subject to discipline under Code section 9884.7,
6 subdivision (a)(4), in that on or about March 13, 2014, Respondent made false and misleading
7 representations to the operator regarding the unnecessary oil system cleaner, the engine treatment,
8 the replacement of the valve cover, timing cover, intake manifold and oil pan gaskets, the
9 replacement of the rack and pinion assembly, the tie rod ends and the wheel hubs, the power
10 steering flush, the four wheel alignment, that was performed on the Chevrolet and on or about
11 March 17, 2014, accepted payment for those parts and services as set forth in paragraphs 140
12 through 143, above. Respondent also charged for but did not provide and install the intake
13 manifold bolts on the Chevrolet.

14 **SIXTY-FOURTH CAUSE FOR DISCIPLINE**

15 **(Gross Negligence)**

16 146. Respondent's registration is subject to discipline under Code section 9884.7,
17 subdivision (a)(5), in that on or about March 13, 2014, Respondent was grossly negligent in
18 performing repairs to the Chevrolet as set forth in paragraphs 140 through 143, above.
19 Respondent did not properly replace the rack and pinion assembly, properly perform the four
20 wheel alignment, overfilled the engine oil, and used an oil system cleaner treatment not
21 recommended by the manufacturer.

22 **SIXTY-FIFTH CAUSE FOR DISCIPLINE**

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

24 147. Respondent has subjected his registration to discipline pursuant to Business and
25 Professions Code section 9884.7, subdivision (a)(6), in that on March 13, 2014, Respondent
26 failed to comply with the following sections of the Code, as set forth in paragraphs 140 through
27 143, above:

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

3 b) **Section 9884.7, subdivision (a)(7):** Respondent failed to follow accepted trade
4 standards in that he did not properly replace the rack and pinion assembly, properly perform the
5 four wheel alignment, overfilled the engine oil, and used an oil system cleaner treatment not
6 recommended by the manufacturer.

7 **SIXTY-SIXTH CAUSE FOR DISCIPLINE**

8 **(Violation of Regulations)**

9 148. Respondent has subjected his registration to discipline pursuant to Business and
10 Professions Code section 9884.7, subdivision (a)(6), in that on March 13, 2014, Respondent
11 failed to comply with the following sections of the California Code of Regulations, title 16, as set
12 forth in paragraphs 140 through 143, above:

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

15 b) **Section 3371:** Respondent falsely informed the operator that the vehicle needed the
16 oil system cleaner, the engine treatment, the replacement of the valve cover, timing cover, intake
17 manifold and oil pan gaskets, the replacement of the rack and pinion assembly, the tie rod ends
18 and the wheel hubs, the power steering flush, and the four wheel alignment.

19 c) **Section 3373:** Respondent created a false and misleading record by recommending
20 the services and repairs for the Chevrolet by stating that the vehicle needed the oil system cleaner,
21 the engine treatment, the replacement of the valve cover, timing cover, intake manifold and oil
22 pan gaskets, the replacement of the rack and pinion assembly, the tie rod ends and the wheel
23 hubs, the power steering flush, and the four wheel alignment. The only service the Chevrolet
24 needed was an engine oil and filter change.

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1 **SIXTY-SEVENTH CAUSE FOR DISCIPLINE**

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

3 149. Respondent's registration is subject to discipline under Code section 9884.7,
4 subdivision (a)(6), in that on March 13, 2014, Respondent failed to comply with the Automotive
5 Repair Act as set forth in paragraphs 140 through 143, above.

6 **OTHER MATTERS**

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

12 **PRAAYER**

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

15 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
16 206905, issued to Certified Tire & Service Centers, Inc., dba Certified Tire & Service Centers,
17 Inc., Jeffrey Alan Darrow, President;

18 2. Revoking or suspending Automotive Repair Dealer Registration Number ARD
19 224215, issued to Certified Tire & Service Centers, Inc., dba Certified Tire & Service Centers,
20 Inc., Jeffrey Alan Darrow, President;

21 3. Revoking or suspending Automotive Repair Dealer Registration Number ARD
22 199471, issued to Certified Tire & Service Centers, Inc., dba Certified Tire & Service Centers,
23 Inc., Jeffrey Alan Darrow, President;

24 4. Revoking or suspending Automotive Repair Dealer Registration Number ARD
25 224219, issued to Certified Tire & Service Centers, Inc., dba Certified Tire & Service Centers,
26 Inc., Jeffrey Alan Darrow, President;

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- 1 5. Revoking or suspending Automotive Repair Dealer Registration Number ARD
2 203512, issued to Certified Tire & Service Centers, Inc., dba Certified Tire & Service Centers,
3 Inc., Jeffrey Alan Darrow, President;
- 4 6. Revoking or suspending Automotive Repair Dealer Registration Number ARD
5 256933, issued to Certified Tire & Service Centers, Inc., dba Certified Tire & Service Centers,
6 Inc., Jeffrey Alan Darrow, President;
- 7 7. Revoking or suspending Automotive Repair Dealer Registration Number ARD
8 271265, issued to Certified Tire & Service Centers, Inc., dba Certified Tire & Service Centers,
9 Inc., Jeffrey Alan Darrow, President;
- 10 8. Revoking or suspending Automotive Repair Dealer Registration Number ARD
11 224214, issued to Certified Tire & Service Centers, Inc., dba Certified Tire & Service Centers,
12 Inc., Jeffrey Alan Darrow, President;
- 13 9. Revoking, suspending, or placing on probation any other automotive repair dealer
14 registration issued to Certified Tire & Service Centers, Inc., dba Certified Tire & Service Centers,
15 Inc., Jeffrey Alan Darrow, President;
- 16 10. Ordering Certified Tire & Service Centers, Inc., dba Certified Tire & Service Centers,
17 Inc., Jeffrey Alan Darrow, President, to pay the Bureau of Automotive Repair the reasonable
18 costs of the investigation and enforcement of this case, pursuant to Business and Professions
19 Code section 125.3;
- 20 11. Taking such other and further action as deemed necessary and proper.
- 21
22

23 DATED: September 15, 2014 

PATRICK DORAIS
Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant

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