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

10 In the Matter of the Accusation Against:

Case No. 77107-44

11 **SO CAL BUSINESS ENTERPRISE, INC.**  
12 **DOING BUSINESS AS**  
**OK AUTO CENTER**  
13 122 E. Manchester, #H, J, K, L  
Los Angeles, CA 90003  
14 **RONALD TAKASHI ODA, PRESIDENT**

**A C C U S A T I O N**

15 Automotive Repair Dealer Registration  
No. AD 227416  
16 Smog Check Station License No. RD 227416  
Official Lamp Station License  
17 No. LD 227416-A  
Official Brake Station License  
18 No. BD 227416-C

19 and

20 **JAIME GALLARDO**  
9115 S. Fir Avenue  
21 Los Angeles, CA 90002

22 Lamp Adjuster License No. RY 147622-A  
Brake Adjuster License No. JC 147622-C  
23

24 Respondents.

25 Sherry Mehl ("Complainant") alleges:

26 **PARTIES**

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

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**Automotive Repair Dealer Registration**

2. On or about June 5, 2003, the Bureau issued Automotive Repair Dealer Registration No. AD 227416 ("registration") to So. Cal Business Enterprise, Inc. ("Respondent OK Auto Center"), with Ronald Takashi Oda as President ("Oda"), doing business as OK Auto Center. The license was delinquent from April 30, 2005, to May 16, 2005. The registration will expire on April 30, 2008, unless renewed.

**Smog Check Station License**

3. On or about June 11, 2003, the Bureau issued Automotive Repair Dealer Registration No. RD 227416 ("smog check station license") to Respondent OK Auto Center. The registration will expire on April 30, 2008, unless renewed.

**Official Brake Station License**

4. On or about February 9, 2004, the Bureau issued Automotive Repair Dealer Registration No. BD 227416, class C ("brake station license"), to Respondent OK Auto Center. The license was delinquent from April 30, 2005, to May 16, 2005. The brake station license will expire on April 30, 2008, unless renewed.

**Official Lamp Station License**

5. On or about February 9, 2004, the Bureau issued Official Lamp Station License No. LD 227416, class A ("lamp station license"), to Respondent OK Auto Center. The license was delinquent from April 30, 2005, to May 16, 2005. The lamp station license will expire on April 30, 2008, unless renewed.

**Brake Adjuster License**

6. On or about December 3, 2003, the Bureau issued Brake Adjuster License No. JC 147622-C ("brake adjuster license") to Jaime Gallardo ("Respondent Gallardo"). The brake adjuster license will expire on September 30, 2011, unless renewed.

**Lamp Adjuster License**

7. On or about December 4, 2003, the Bureau of Automotive Repair issued Lamp Adjuster License No. RY 147622-A to Respondent Gallardo. The lamp adjuster license will expire on September 30, 2011, unless renewed.



1 manufacturer aftermarket crash parts. One copy of the invoice shall be given to  
2 the customer and one copy shall be retained by the automotive repair dealer.

3 10. Code section 9884.9 states, in pertinent part:

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

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

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

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

27 \_\_\_\_\_  
28 (signature or initials)"

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

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

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

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

5                   14.     Code section 9889.3 states, in pertinent part:

6                   The director may suspend, revoke, or take other disciplinary action against  
7 a license as provided in this article [Article 7 (commencing with Code section  
8 9889.1) of the Automotive Repair Act] if the licensee or any partner, officer, or  
9 director thereof:

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

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

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

16                   (f)     Aids or abets an unlicensed person to evade the provisions of this chapter.

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

19                   15.     Code section 9889.22 states:

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

25                   16.     Code section 477 provides, in pertinent part, that "Board" includes  
26 "bureau," "commission," "committee," "department," "division," "examining committee,"  
27 "program," and "agency." "License" includes certificate, registration or other means to engage  
28 in a business or profession regulated by the Code.

                  17.     Health and Safety Code section 44002 provides, in pertinent part, that the  
Director has all the powers and authority granted under the Automotive Repair Act for enforcing  
the Motor Vehicle Inspection Program.

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18. Health and Safety Code section 44072.2 states:

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

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

**REGULATORY PROVISIONS**

19. California Code of Regulations, title 16 ("Regulation"), section 3305, states, in pertinent part:

(a) All adjusting, inspecting, servicing, and repairing of brake systems and lamp systems for the purpose of issuing any certificate of compliance or adjustment shall be performed in official stations, by official adjusters, in accordance with the following, in descending order of precedence, as applicable:

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

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

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

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

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

20. Regulation section 3316, subdivision (d)(2), states, in pertinent part:

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

21. Regulation section 3321, subdivision (c)(2), states, in pertinent part:

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

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COST RECOVERY

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

UNDERCOVER OPERATION NO. 1 - 1998 CHEVROLET CAMARO

23. On January 4, 2007, a Bureau undercover operator using the alias Jason Clark (“operator”) drove a Bureau-documented 1998 Chevrolet Camaro, to Respondent OK Auto Center’s facility to obtain brake and lamp inspections. The vehicle’s front brake rotors did not meet the manufacturer’s specifications for minimum thickness, the headlights were misadjusted, and the light bulb in the license plate housing was not functional. The operator spoke with a female employee who identified herself as Angela. The operator requested brake and lamp inspections for a salvage vehicle.

24. Angela made an adjustment to the vehicle’s headlights and then walked around the vehicle to check the other lights. Another employee moved the vehicle to the service bay, and the operator observed that he was using a flashlight to look through the wheels. The employee did not remove the vehicle’s wheels.

25. Angela gave the operator a work order, which he completed and signed. The operator paid Angela \$65 for the inspections, including replacement of the light bulb in the license plate housing. Angela provided the operator with Brake Certificate No. BC397554, Lamp Certificate No. LC391812, and Invoice No. 7192, for \$65.

26. Respondent Gallardo did not perform a road test or any inspection on the vehicle.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 (Misleading Statements)

3 27. Respondent OK Auto Center has subjected its registration to discipline  
4 under Code section 9884.7, subdivision (a)(1), in that on or about January 4, 2007, it made  
5 statements which Respondent OK Auto Center knew or which by exercise of reasonable care it  
6 should have known to be untrue or misleading, as follows:

7 a. Respondent OK Auto Center issued Lamp Certificate of Adjustment  
8 No. LC391812, certifying that the headlights had been inspected for aim and repaired as  
9 required. In fact, the headlights were out of adjustment.

10 b. Respondent OK Auto Center issued Lamp Certificate of Adjustment  
11 No. LC391812, certifying that Respondent Gallardo had inspected the vehicle's lights. In fact,  
12 Respondent Gallardo did not inspect the vehicle's lighting system. In fact, Angela, who was not  
13 a licensed lamp adjuster, inspected the vehicle's lighting system.

14 c. Respondent OK Auto Center issued Brake Certificate of Adjustment  
15 No. BC397554, certifying that the front and rear brake drums and rotors were satisfactory. In  
16 fact, the front brake rotors did not meet the manufacturer's specifications for minimum  
17 thickness.

18 d. Respondent OK Auto Center issued Brake Certificate of Adjustment  
19 No. BC397554, certifying that Respondent Gallardo had performed a road test and had inspected  
20 the vehicle's brake system. In fact, Respondent Gallardo did not perform a road test or inspect  
21 the vehicle's brake system.

22 **SECOND CAUSE FOR DISCIPLINE**

23 (Fraud)

24 28. Respondent OK Auto Center has subjected its registration to discipline  
25 under Code section 9884.7, subdivision (a)(4), in that on or about January 4, 2007, Respondent  
26 OK Auto Center committed acts which constitute fraud by accepting payment from the operator  
27 for the following certificates:

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1 a. Respondent OK Auto Center issued Lamp Certificate of Adjustment  
2 No. LC391812, certifying that Respondent Gallardo had inspected the vehicle's lights. In fact,  
3 Angela, who was not a licensed lamp adjuster, inspected the vehicle's lighting system.

4 b. Respondent OK Auto Center issued Brake Certificate of Adjustment  
5 No. BC397554, certifying that the front and rear brake drums and rotors were satisfactory. In  
6 fact, the front brake rotors did not meet the manufacturer's specifications for minimum  
7 thickness.

8 c. Respondent OK Auto Center issued Brake Certificate of Adjustment  
9 No. BC397554, certifying that Respondent Gallardo had performed a road test and had inspected  
10 the vehicle's brake system. In fact, Respondent Gallardo did not perform a road test or inspect  
11 the vehicle's brake system.

12 **THIRD CAUSE FOR DISCIPLINE**

13 (Failure to Record Current Odometer Reading)

14 29. Respondent OK Auto Center has subjected its registration to discipline  
15 under Code section 9884.7, subdivision (a)(2), in that on or about January 4, 2007, Respondent  
16 OK Auto Center allowed the operator to sign a work order that did not contain the vehicle's  
17 current odometer reading.

18 **FOURTH CAUSE FOR DISCIPLINE**

19 (Failure to Comply with Code)

20 30. Respondent OK Auto Center has subjected its registration to discipline  
21 under Code section 9884.7, subdivision (a)(6), in that on or about January 4, 2007, Respondent  
22 OK Auto Center failed to comply with the following Code sections:

23 a. **Section 9884.8:**

24 i. Regarding Invoice No. 7192, Respondent OK Auto Center failed to  
25 separately record all service work performed on the vehicle.

26 ii. Regarding Invoice No. 7192, Respondent OK Auto Center failed to record  
27 the part supplied and the price of the part.

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1 a. **Section 3305, subdivision (a):** Respondent OK Auto Center failed to  
2 perform the brake and lamp inspections on the vehicle in accordance with current standards,  
3 specifications, instructions, handbooks, and directives issued by the Bureau.

4 b. **Section 3316, subdivision (d)(2):** Respondent OK Auto Center failed to  
5 inspect the entire lighting system of the 1998 Chevrolet Camaro.

6 c. **Section 3321, subdivision (c)(2):** Respondent OK Auto Center failed to  
7 perform a road test or inspect the entire brake system of the 1998 Chevrolet Camaro.

8 **SIXTH CAUSE FOR DISCIPLINE**

9 (Aiding and Abetting an Unlicensed Person)

10 32. Respondent OK Auto Center has subjected its official brake and lamp  
11 station licenses to discipline under Code section 9889.3, subdivision (f), in that on or about  
12 January 4, 2007, it aided and abetted Angela, an unlicensed person, to evade the provisions of  
13 this chapter, by allowing Angela to inspect the vehicle's lighting system when she was not a  
14 licensed lamp adjuster.

15 **SEVENTH CAUSE FOR DISCIPLINE**

16 (Failure to Comply with Regulations)

17 33. Respondent OK Auto Center has subjected its official brake and lamp  
18 station licenses to discipline under Code section 9889.3, subdivision (a), (c), and (h), in that on  
19 or about January 4, 2007, it committed acts in violation of the Code and Regulations relating to  
20 Respondent OK Auto Center's licensed activities, as set forth in paragraphs 27 through 32,  
21 above.

22 **EIGHTH CAUSE FOR DISCIPLINE**

23 (Failure to Comply with Code)

24 34. Respondent Gallardo has subjected his brake and lamp adjuster licenses to  
25 discipline under Code section 9889.3, subdivision (a), in that on or about January 4, 2007,  
26 Respondent Gallardo failed to comply with Code section 9889.22, as follows:

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1 a. Respondent Gallardo issued Lamp Certificate of Adjustment  
2 No. LC391812, certifying that the vehicle's headlights had been inspected for aim and repaired  
3 as required. In fact, the headlights were out of adjustment.

4 b. Respondent Gallardo issued Lamp Certificate of Adjustment  
5 No. LC391812, certifying that he had inspected the vehicle's lights. In fact, Angela, who was  
6 not a licensed lamp adjuster, inspected the vehicle's lighting system.

7 c. Respondent Gallardo issued Brake Certificate of Adjustment  
8 No. BC397554, certifying that the front and rear brake drums and rotors were satisfactory. In  
9 fact, the front brake rotors did not meet the manufacturer's specifications for minimum  
10 thickness.

11 d. Respondent Gallardo issued Brake Certificate of Adjustment  
12 No. BC397554, certifying that he had performed a road test and had inspected the vehicle's  
13 brake system. In fact, Respondent Gallardo did not perform a road test or inspect the vehicle's  
14 brake system.

15 **NINTH CAUSE FOR DISCIPLINE**

16 (Failure to Comply with Regulations)

17 35. Respondent Gallardo has subjected his brake and lamp adjuster licenses to  
18 discipline under Code section 9889.3, subdivision (c), in that on or about January 4, 2007,  
19 Respondent Gallardo failed to comply with Regulations section 3305, subdivision (a), as  
20 follows:

21 a. Respondent Gallardo failed to perform the lamp inspection on the 1998  
22 Chevrolet Camaro in accordance with current standards, specifications, instructions, handbooks  
23 and directives issued by the Bureau.

24 b. Respondent Gallardo failed to perform the brake inspection of the 1998  
25 Chevrolet Camaro in accordance with current standards, specifications, instructions, handbooks,  
26 and directives issued by the Bureau.

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**TENTH CAUSE FOR DISCIPLINE**

(Acts Involving Dishonesty, Fraud or Deceit)

36. Respondent Gallardo has subjected his brake and lamp adjuster licenses to discipline under Code section 9889.3, subdivision (d), in that on or about January 4, 2007, he committed acts involving dishonesty, fraud or deceit, as follows:

a. Respondent Gallardo issued Lamp Certificate of Adjustment No. LC391812, certifying that the vehicle's headlights had been inspected for aim and repaired as required. In fact, the headlights were out of adjustment.

b. Respondent Gallardo issued Lamp Certificate of Adjustment No. LC391812, certifying that he had inspected the vehicle's lights. In fact, Angela, who was not a licensed lamp adjuster, inspected the vehicle's lighting system.

c. Respondent Gallardo issued Brake Certificate of Adjustment No. BC397554, certifying that the front and rear brake drums and rotors were satisfactory. In fact, the front brake rotors did not meet the manufacturer's specifications for minimum thickness.

d. Respondent Gallardo issued Brake Certificate of Adjustment No. BC397554, certifying that he had performed a road test and had inspected the vehicle's brake system. In fact, Respondent Gallardo did not perform a road test or inspect the vehicle's brake system.

**ELEVENTH CAUSE FOR DISCIPLINE**

(Failure to Comply with Chapter Requirements)

37. Respondent Gallardo has subjected his brake and lamp adjuster licenses to discipline under Code section 9889.3, subdivision (h), in that on or about January 4, 2007, he violated the provisions of this chapter, as set forth in paragraphs 34 through 36, above.

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1 **FOURTEENTH CAUSE FOR DISCIPLINE**

2 (Failure to Comply with Code)

3 44. Respondent OK Auto Center has subjected its registration to discipline  
4 under Code section 9884.7, subdivision (a)(6), in that on or about June 19, 2007, it failed to  
5 comply with the following Code sections:

6 a. **Section 9884.8:** Regarding Invoice No. 761, Respondent OK Auto  
7 Center failed to record subtotals for the service work performed and for parts supplied on the  
8 vehicle.

9 b. **Section 9889.22:**

10 i. Respondent OK Auto Center issued Lamp Certificate of Adjustment  
11 No. LC496240, certifying that the vehicle's headlights had been inspected for aim and repaired  
12 as required. In fact, the left headlight was out of adjustment.

13 ii. Respondent OK Auto Center issued Lamp Certificate of Adjustment  
14 No. LC496240, certifying that Respondent Gallardo had inspected the vehicle's lights. In fact,  
15 Angela, who was not a licensed lamp adjuster, inspected the vehicle's lighting system.

16 iii. Respondent OK Auto Center issued Brake Certificate of Adjustment  
17 No. BC503120, certifying that the front and rear brake drums and rotors were satisfactory. In  
18 fact, the vehicle's rear brake drums were oversized beyond the manufacturer's drum discard  
19 specifications.

20 iv. Respondent OK Auto Center issued Brake Certificate of Adjustment  
21 No. BC503120, certifying that Respondent Gallardo had performed a road test and had inspected  
22 the vehicle's brake system. In fact, Respondent Gallardo did not perform a road test or inspect  
23 the vehicle's brake system.

24 **FIFTEENTH CAUSE FOR DISCIPLINE**

25 (Failure to Comply with Regulations)

26 45. Respondent OK Auto Center has subjected its registration to discipline  
27 under Code section 9884.7, subdivision (a)(6), in that on or about June 19, 2007, it failed to  
28 comply with the following Regulation sections:

1 a. **Section 3305, subdivision (a):** Respondent OK Auto Center failed to  
2 perform the brake and lamp inspections regarding the vehicle in accordance with current  
3 standards, specifications, instructions, handbooks, and directives issued by the Bureau.

4 b. **Section 3316, subdivision (d)(2):** Respondent OK Auto Center failed to  
5 inspect the entire lighting system of the 1991 Buick Century.

6 c. **Section 3321, subdivision (c)(2):** Respondent OK Auto Center failed to  
7 perform a road test or inspect the entire brake system of the 1991 Buick Century.

8 **SIXTEENTH CAUSE FOR DISCIPLINE**

9 (Aiding and Abetting an Unlicensed Person)

10 46. Respondent OK Auto Center has subjected its official brake and lamp  
11 station licenses to discipline under Code section 9889.3, subdivision (f), in that on or about  
12 June 19, 2007, it aided and abetted Angela, an unlicensed person, to evade the provisions of this  
13 chapter, by allowing Angela to inspect the vehicle's lighting system when she was not a licensed  
14 lamp adjuster.

15 **SEVENTEENTH CAUSE FOR DISCIPLINE**

16 (Failure to Comply with Regulations)

17 47. Respondent OK Auto Center has subjected its official brake and lamp  
18 station licenses to discipline under Code section 9889.3, subdivision (a), (c), and (h), in that on  
19 or about June 19, 2007, it committed acts in violation of the Code and Regulations relating to  
20 Respondent OK Auto Center's licensed activities, as set forth in paragraphs 42 through 46,  
21 above.

22 **EIGHTEENTH CAUSE FOR DISCIPLINE**

23 (Failure to Comply with Code)

24 48. Respondent Gallardo has subjected his brake and lamp adjuster licenses to  
25 discipline under Code section 9889.3, subdivision (a), in that on or about June 19, 2007,  
26 Respondent Gallardo failed to comply with Code section 9889.22, as follows:

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1 a. Respondent Gallardo issued Lamp Certificate of Adjustment  
2 No. LC496240, certifying that the vehicle's headlights had been inspected for aim and repaired  
3 as required. In fact, the left headlight was out of adjustment.

4 b. Respondent Gallardo issued Lamp Certificate of Adjustment  
5 No. LC496240, certifying that he had inspected the vehicle's lights. In fact, Angela, who was  
6 not a licensed lamp adjuster, inspected the vehicle's lighting system.

7 c. Respondent Gallardo issued Brake Certificate of Adjustment  
8 No. BC503120, certifying that the front and rear brake drums and rotors were satisfactory. In  
9 fact, the vehicle's rear brake drums were oversized beyond the manufacturer's drum discard  
10 specifications.

11 d. Respondent Gallardo issued Brake Certificate of Adjustment  
12 No. BC503120, certifying that he had performed a road test and had inspected the vehicle's  
13 brake system. In fact, Respondent Gallardo did not perform a road test or inspect the vehicle's  
14 brake system.

15 **NINETEENTH CAUSE FOR DISCIPLINE**

16 (Failure to Comply with Regulations)

17 49. Respondent Gallardo has subjected his brake and lamp adjuster licenses to  
18 discipline under Code section 9889.3, subdivision (c), in that on or about June 19, 2007,  
19 Respondent Gallardo failed to comply with Regulations section 3305, subdivision (a), as  
20 follows:

21 a. Respondent Gallardo failed to perform the lamp inspection of the 1991  
22 Buick Century in accordance with current standards, specifications, instructions, handbooks, and  
23 directives issued by the Bureau.

24 b. Respondent Gallardo failed to perform the brake inspection of the 1991  
25 Buick Century in accordance with current standards, specifications, instructions, handbooks, and  
26 directives issued by the Bureau.

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**TWENTIETH CAUSE FOR DISCIPLINE**

(Acts Involving Dishonesty, Fraud or Deceit)

50. Respondent Gallardo has subjected his brake and lamp adjuster licenses to discipline under Code section 9889.3, subdivision (d), in that on or about June 19, 2007, he committed acts involving dishonesty, fraud or deceit, as follows:

a. Respondent Gallardo issued Lamp Certificate of Adjustment No. LC496240, certifying that the vehicle's headlights had been inspected for aim and repaired as required. In fact, the left headlight was out of adjustment.

b. Respondent Gallardo issued Lamp Certificate of Adjustment No. LC496240, certifying that he had inspected the vehicle's lights. In fact, Angela, who was not a licensed lamp adjuster, inspected the vehicle's lighting system.

c. Respondent Gallardo issued Brake Certificate of Adjustment No. BC503120, certifying that the front and rear brake drums and rotors were satisfactory. In fact, the vehicle's rear brake drums were oversized beyond the manufacturer's drum discard specifications.

d. Respondent Gallardo issued Brake Certificate of Adjustment No. BC503120, certifying that he had performed a road test and had inspected the vehicle's brake system. In fact, Respondent Gallardo did not perform a road test or inspect the vehicle's brake system.

**TWENTY-FIRST CAUSE FOR DISCIPLINE**

(Failure to Comply with Chapter Requirements)

51. Respondent Gallardo has subjected his brake and lamp adjuster licenses to discipline under Code section 9889.3, subdivision (h), in that on or about June 19, 2007, he violated the provisions of this chapter, as set forth in paragraphs 48 through 50, above.

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1 c. Respondent OK Auto Center issued Brake Certificate of Adjustment  
2 No. BC516720, certifying that the front and rear brake drums and rotors were satisfactory. In  
3 fact, the vehicle's rear brake drums were oversized beyond the manufacturer's drum discard  
4 specifications.

5 d. Respondent OK Auto Center issued Brake Certificate of Adjustment  
6 No. BC516720, certifying that Respondent Gallardo had performed a road test and had inspected  
7 the vehicle's brake system. In fact, Respondent Gallardo did not perform a road test or inspect  
8 the vehicle's brake system.

9 **TWENTY-THIRD CAUSE FOR DISCIPLINE**

10 (Fraud)

11 56. Respondent OK Auto Center has subjected its registration to discipline  
12 under Code section 9884.7, subdivision (a)(4), in that on or about July 12, 2007, Respondent OK  
13 Auto Center committed acts which constitute fraud by accepting payment from the operator for  
14 the following certificates:

15 a. Respondent OK Auto Center issued Lamp Certificate of Adjustment  
16 No. LC508841, certifying that Respondent Gallardo had inspected the vehicle's lights. In fact,  
17 Angela, who was not a licensed lamp adjuster, inspected the vehicle's lighting system.

18 b. Respondent OK Auto Center issued Brake Certificate of Adjustment  
19 No. BC516720, certifying that the front and rear brake drums and rotors were satisfactory. In  
20 fact, the vehicle's rear brake drums were oversized beyond the manufacturer's drum discard  
21 specifications.

22 c. Respondent OK Auto Center issued Brake Certificate of Adjustment  
23 No. BC516720, certifying that Respondent Gallardo had performed a road test and had inspected  
24 the vehicle's brake system. In fact, Respondent Gallardo did not perform a road test or inspect  
25 the vehicle's brake system.

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**TWENTY-FOURTH CAUSE FOR DISCIPLINE**

(Failure to Comply with Code)

57. Respondent OK Auto Center has subjected its registration to discipline under Code section 9884.7, subdivision (a)(6), in that on or about July 12, 2007, Respondent OK Auto Center failed to comply with the following Code sections:

a. **Section 9884.8:** Regarding Invoice No. 900, Respondent OK Auto Center failed to state separately the subtotal for service work performed on the vehicle.

b. **Section 9889.22:**

i. Respondent OK Auto Center issued Lamp Certificate of Adjustment No. LC508841, certifying that the vehicle's rear lights were operational and the headlights had been inspected for aim. In fact, the left rear side clearance lamp was inoperative and the headlights were out of adjustment.

ii. Respondent OK Auto Center issued Lamp Certificate of Adjustment No. LC508841, certifying that Respondent Gallardo had inspected the vehicle's lights. In fact, Angela, who was not a licensed lamp adjuster, inspected the vehicle's lighting system.

iii. Respondent OK Auto Center issued Brake Certificate of Adjustment No. BC516720, certifying that the front and rear brake drums and rotors were satisfactory. In fact, the vehicle's rear brake drums were oversized beyond the manufacturer's drum discard specifications.

iv. Respondent OK Auto Center issued Brake Certificate of Adjustment No. BC516720, certifying that Respondent Gallardo had performed a road test and had inspected the vehicle's brake system. In fact, Respondent Gallardo did not perform a road test or inspect the vehicle's brake system.

**TWENTY-FIFTH CAUSE FOR DISCIPLINE**

(Failure to Comply with Regulations)

58. Respondent OK Auto Center has subjected its registration to discipline under Code section 9884.7, subdivision (a)(6), in that on or about July 12, 2007, it failed to comply with the following Regulation sections:

1 a. **Section 3305, subdivision (a):** Respondent OK Auto Center failed to  
2 perform the brake and lamp inspections on the vehicle in accordance with current standards,  
3 specifications, instructions, handbooks, and directives issued by the Bureau.

4 b. **Section 3316, subdivision (d)(2):** Respondent OK Auto Center failed to  
5 inspect the entire lighting system of the 1987 Oldsmobile Delta 88.

6 c. **Section 3321, subdivision (c)(2):** Respondent OK Auto Center failed to  
7 perform a road test or inspect the entire brake system of the 1987 Oldsmobile Delta 88.

8 **TWENTY-SIXTH CAUSE FOR DISCIPLINE**

9 (Aiding and Abetting an Unlicensed Person)

10 59. Respondent OK Auto Center has subjected its official brake and lamp  
11 station licenses to discipline under Code section 9889.3, subdivision (f), in that on or about  
12 July 12, 2007, it aided and abetted Angela, an unlicensed person, to evade the provisions of this  
13 chapter, by allowing Angela to inspect the vehicle's lighting system when she was not a licensed  
14 lamp adjuster.

15 **TWENTY-SEVENTH CAUSE FOR DISCIPLINE**

16 (Failure to Comply with Regulations)

17 60. Respondent OK Auto Center has subjected its official brake and lamp  
18 station licenses to discipline under Code section 9889.3, subdivision (a), (c), and (h), in that on  
19 or about July 12, 2007, it committed acts in violation of the Code and Regulations relating to  
20 Respondent OK Auto Center's licensed activities, as set forth in paragraphs 55 through 59,  
21 above.

22 **TWENTY-EIGHTH CAUSE FOR DISCIPLINE**

23 (Failure to Comply with Code)

24 61. Respondent Gallardo has subjected his brake and lamp adjuster licenses to  
25 discipline under Code section 9889.3, subdivision (a), in that on or about July 12, 2007, Gallardo  
26 failed to comply with Code section 9889.22, as follows:

27 a. Respondent OK Auto Center issued Lamp Certificate of Adjustment  
28 No. LC508841, certifying that the vehicle's rear lights were operational and the headlights had



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**THIRTIETH CAUSE FOR DISCIPLINE**

(Acts Involving Dishonesty, Fraud or Deceit)

63. Respondent Gallardo has subjected his brake and lamp adjuster licenses to discipline under Code section 9889.3, subdivision (d), in that on or about July 12, 2007, he committed acts involving dishonesty, fraud or deceit, as follows:

a. Respondent OK Auto Center issued Lamp Certificate of Adjustment No. LC508841, certifying that the vehicle's rear lights were operational and the headlights had been inspected for aim and repaired as required. In fact, the left rear side clearance lamp was inoperative and the headlights were out of adjustment.

b. Respondent Gallardo issued Lamp Certificate of Adjustment No. LC508841, certifying that he had inspected the vehicle's lights. In fact, Angela, who was not a licensed lamp adjuster, inspected the vehicle's lighting system.

c. Respondent Gallardo issued Brake Certificate of Adjustment No. BC516720, certifying that the front and rear brake drums and rotors were satisfactory. In fact, the vehicle's rear brake drums were oversized beyond the manufacturer's drum discard specifications.

d. Respondent Gallardo issued Brake Certificate of Adjustment No. BC516720, certifying that he had performed a road test and had inspected the vehicle's brake system. In fact, Respondent Gallardo did not perform a road test or inspect the vehicle's brake system.

**THIRTY-FIRST CAUSE FOR DISCIPLINE**

(Failure to Comply with Chapter Requirements)

64. Respondent Gallardo has subjected his brake and lamp adjuster licenses to discipline under Code section 9889.3, subdivision (h), in that on or about July 12, 2007, he violated the provisions of this chapter, as set forth in paragraphs 61 through 63, above.

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1 **THIRTY-SECOND CAUSE FOR DISCIPLINE**

2 (Dishonesty, Fraud or Deceit)

3 65. Respondent OK Auto Center's smog station license is subject to discipline  
4 under Health & Safety Code section 44072.2, subdivision (d), in that Respondent OK Auto  
5 Center committed dishonest, fraudulent or deceitful acts whereby another is injured, as more  
6 particularly set forth in paragraphs 28, 43 and 56, above.

7 **OTHER MATTERS**

8 66. Under Code section 9884.7, subdivision (c), the director may refuse to  
9 validate, or may invalidate temporarily or permanently, the registrations for all places of  
10 business operated in this state by So. Cal Business Enterprise, Inc., doing business as OK Auto  
11 Center, upon a finding that it has, or is, engaged in a course of repeated and willful violations of  
12 the laws and regulations pertaining to an automotive repair dealer.

13 67. Pursuant to Health & Safety Code section 44072.8, if Smog Check Station  
14 License No. RD 227416, issued to So. Cal Business Enterprise, Inc., doing business as OK Auto  
15 Center, is revoked or suspended, any additional license issued under this chapter in the name of  
16 said licensee may be likewise revoked or suspended by the director.

17 68. Under Code section 9889.9, if Official Brake Station License  
18 No. BD 227416-C, issued to So. Cal Business Enterprise, Inc., doing business as OK Auto  
19 Center, is revoked or suspended, any additional license issued under this chapter in the name of  
20 said licensee may be likewise revoked or suspended by the director.

21 69. Under Code section 9889.9, if Official Lamp Station License  
22 No. LD 227416-A, issued to So. Cal Business Enterprise, Inc., doing business as OK Auto  
23 Center, is revoked or suspended, any additional license issued under this chapter in the name of  
24 said licensee may be likewise revoked or suspended by the director.

25 70. Under Code section 9889.9, if Lamp Adjuster License No. RY 147622-A,  
26 issued to Jaime Gallardo, is revoked or suspended, any additional license, including Brake  
27 Adjuster License No. JC 147622 C, issued under this chapter in the name of said licensee, may  
28 be likewise revoked or suspended by the director.

1 PRAYER

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

4 1. Temporarily or permanently invalidating Automotive Repair Dealer  
5 Registration No. AD 227416, issued to So. Cal Business Enterprise, Inc., doing business as  
6 OK Auto Center;

7 2. Revoking or suspending Smog Check Station License No. RD 227416,  
8 issued to So. Cal Business Enterprise, Inc., doing business as OK Auto Center;

9 3. Temporarily or permanently invalidating any other automotive repair  
10 dealer registration issued to So. Cal Business Enterprise, Inc., doing business as OK Auto  
11 Center;

12 4. Revoking or suspending Official Brake Station License No. BD 227416-  
13 C, issued to So. Cal Business Enterprise, Inc., doing business as OK Auto Center;

14 5. Revoking or suspending any additional license issued under this chapter in  
15 the name So. Cal Business Enterprise, Inc., doing business as OK Auto Center;

16 6. Revoking or suspending Official Lamp Station License No. LD 227416-A,  
17 issued to So. Cal Business Enterprise, Inc., doing business as OK Auto Center;

18 7. Revoking or suspending any additional license issued under this chapter in  
19 the name So. Cal Business Enterprise, Inc., doing business as OK Auto Center;

20 8. Revoking or suspending any additional license issued under Chapter 5 of  
21 the Health and Safety Code in the name of So. Cal Business Enterprise, Inc., doing business as  
22 OK Auto Center;

23 9. Revoking or suspending Brake Adjuster License No. JC 147622-C, issued  
24 to Jaime Gallardo;

25 10. Revoking or suspending any additional license issued under this chapter in  
26 the name Jaime Gallardo;

27 11. Revoking or suspending Lamp Adjuster License No. RY 147622-A,  
28 issued to Jaime Gallardo;

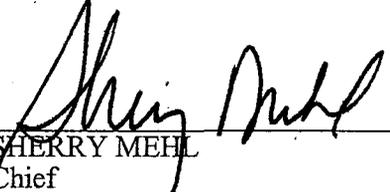
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12. Revoking or suspending any additional license issued under this chapter in the name Jaime Gallardo;

13. Ordering So. Cal Business Enterprise, Inc. and Jaime Gallardo to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,

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

DATED: 4-15-08

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

03548110-LA2007602197  
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