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

13 In the Matter of the Accusation Against:  
14 **PETRO GROUP, INC., DBA**  
**PETRO AUTO CARE**  
15 8740 Jamacha Road, Suite B  
Spring Valley, California 91977  
16 **JORGE ALBERTO PETRO, PRESIDENT**  
  
17 Automotive Repair Dealer Registration  
No. AK 236228  
18  
19 Respondent.

Case No. *77108-13*  
  
**A C C U S A T I O N**

20 Sherry Mehl ("Complainant") alleges:

21 **PARTIES**

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

24 **Automotive Repair Dealer Registration**

25 2. On or about October 29, 2004, the Bureau issued Automotive Repair  
26 Dealer Registration Number AK 236228 ("registration") to Petro Group, Inc., ("Respondent"),  
27 doing business as Precision Muffler & Brake. The registration was delinquent from

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1 October 31, 2005, to November 3, 2005, and October 31, 2006, to November 7, 2006. On or  
2 about March 28, 2008, the business name changed to "Petro Auto Care". The registration will  
3 expire on October 31, 2008, unless renewed.

4 **STATUTORY PROVISIONS**

5 3. Section 9884.7 of the Business and Professions Code ("Code") states, in  
6 pertinent part:

7 (a) The director, where the automotive repair dealer cannot show there was  
8 a bona fide error, may refuse to validate, or may invalidate temporarily or  
9 permanently, the registration of an automotive repair dealer for any of the  
10 following acts or omissions related to the conduct of the business of the  
11 automotive repair dealer, which are done by the automotive repair dealer or any  
12 automotive technician, employee, partner, officer, or member of the automotive  
13 repair dealer.

14 (1) Making or authorizing in any manner or by any means whatever any  
15 statement written or oral which is untrue or misleading, and which is known, or  
16 which by the exercise of reasonable care should be known, to be untrue or  
17 misleading.

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

20 (4) Any other conduct which constitutes fraud.

21 (6) Failure in any material respect to comply with the provisions of this  
22 chapter [the Automotive Repair Act (Bus. & Prof. Code, § 9880, et seq.)] or  
23 regulations adopted pursuant to it.

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

27 (b) Except as provided for in subdivision (c), if an automotive repair  
28 dealer operates more than one place of business in this state, the director pursuant  
to subdivision (a) shall only refuse to validate, or shall only invalidate temporarily  
or permanently the registration of the specific place of business which has  
violated any of the provisions of this chapter. This violation, or action by the  
director, shall not affect in any manner the right of the automotive repair dealer to  
operate his or her other places of business.

(c) Notwithstanding subdivision (b), the director may refuse to validate, or  
may invalidate temporarily or permanently, the registration for all places of  
business operated in this state by an automotive repair dealer upon a finding that  
the automotive repair dealer has, or is, engaged in a course of repeated and willful  
violations of this chapter, or regulations adopted pursuant to it.

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4. Code section 9884.8 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. Service work and parts shall be listed separately on the invoice, which shall also state separately the subtotal prices for service work and for parts, not including sales tax, and shall state separately the sales tax, if any, applicable to each. If any used, rebuilt, or reconditioned parts are supplied, the invoice shall clearly state that fact. If a part of a component system is composed of new and used, rebuilt or reconditioned parts, that invoice shall clearly state that fact. The invoice shall include a statement indicating whether any crash parts are original equipment manufacturer crash parts or nonoriginal equipment manufacturer aftermarket crash parts. One copy of the invoice shall be given to the customer and one copy shall be retained by the automotive repair dealer.

5. Code section 9884.9 states, in pertinent part:

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

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

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

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

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

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

6. Code section 9884.13 provides, in pertinent part, that the expiration of a valid registration shall not deprive the director or chief of jurisdiction to proceed with a

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1 \$195.40. The operator asked Adriana what was wrong with the brake rotors. Adriana told the  
2 operator that the brake rotors needed to be resurfaced "because of the wear they had", and that  
3 the brakes "would cause vibrations".

4 11. Later that afternoon, the operator returned to Respondent's facility to pick  
5 up the vehicle. The operator signed an invoice, paid Adriana \$205.17, and received a copy of  
6 Invoice Number 002080.

7 12. On or about November 7, 2006, the Bureau road tested and reinspected the  
8 vehicle using Invoice Number 002080. The inspection revealed that front pads had been  
9 replaced and the rotors had been resurfaced; however, the front brake rotors had been in good  
10 serviceable condition and did not need to be resurfaced. Additionally, the right front brake rotor  
11 had been machined out of specification.

12 **FIRST CAUSE FOR DISCIPLINE**

13 **(Misleading Statements)**

14 13. Respondent has subjected its registration to discipline under Code section  
15 9884.7, subdivision (a)(1), in that on or about November 6, 2006, it made statements which it  
16 knew or which by exercise of reasonable care it should have known to be untrue or misleading by  
17 falsely representing to the operator that the front brake rotors needed to be resurfaced when, in  
18 fact, the front brake rotors were in good serviceable condition and did not need to be resurfaced.

19 **SECOND CAUSE FOR DISCIPLINE**

20 **(Failure to Provide a Copy of a Signed Document)**

21 14. Respondent has subjected its registration to discipline under Code section  
22 9884.7, subdivision (a)(3), in that on or about November 6, 2006, Respondent failed to provide  
23 the operator with a copy of the work order as soon as the operator signed the document.

24 **THIRD CAUSE FOR DISCIPLINE**

25 **(Fraud)**

26 15. Respondent has subjected its registration to discipline under Code section  
27 9884.7, subdivision (a)(4), in that on or about November 6, 2006, it committed fraud when it

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1 accepted payment from the operator to resurface the front brake rotors when, in fact, those parts  
2 were in good serviceable condition and not in need of resurfacing.

3 **FOURTH CAUSE FOR DISCIPLINE**

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

5 16. Respondent has subjected its registration to discipline under Code section  
6 9884.7, subdivision (a)(6), in that on or about November 6, 2006, it failed to comply with the  
7 following Code sections:

8 a. **Section 9884.8:** Regarding Invoice No. 002080, Respondent failed to  
9 document all parts as new, used, rebuilt or reconditioned.

10 b. **Section 9884.9, subdivision (a):** Respondent failed to provide the  
11 operator with a written estimated price for parts and labor for a specific job.

12 **FIFTH CAUSE FOR DISCIPLINE**

13 **(Departure From Trade Standards)**

14 17. Respondent has subjected its registration to discipline under Code section  
15 9884.7, subdivision (a)(7), in that on or about November 6, 2006, Respondent willfully departed  
16 from or disregarded accepted trade standards for good and workmanlike repair by resurfacing the  
17 right front brake rotor out of specification.

18 **UNDERCOVER OPERATION NO. 2 - 1996 CHEVROLET CAMARO**

19 18. On or about January 29, 2007, a Bureau undercover operator using the  
20 alias Judy Kercher ("operator") telephoned Respondent's facility and spoke with Adriana. The  
21 operator told Adriana she had coupons from a PennySaver advertisement for brake pads or shoes  
22 and a labor special. Adriana told the operator the cost of front brakes would be \$89 and rear  
23 brakes were also \$89. Adriana told the operator that the advertised brake special of \$45 was for  
24 organic brake pads and that the operator's vehicle had semi-metallic pads. Adriana went on to  
25 say that the operator could get the front brakes done for \$79 and the rear brakes for \$79. The  
26 operator drove a Bureau documented 1996 Chevrolet Camaro, California License Plate No.  
27 4EIL479, to Respondent's facility and requested the advertised brake special, which included  
28 a free brake inspection. The only repair necessary was to replace the front brake pads. The

1 operator spoke with Adriana and provided her with the advertisement for the brake special.  
2 The operator filled out and signed a work order; however, the operator was not provided with a  
3 copy of the document.

4 19. Later the same day, the operator spoke with Adriana, who told the operator  
5 that the vehicle needed new front brakes. Further, Adriana told the operator that the front brake  
6 rotors needed to be resurfaced because they had "black spots". Adriana also told the operator  
7 that the rear brakes should be cleaned and adjusted because the "rear brakes were not touching".  
8 Adriana quoted the operator \$222.15 for all the repairs. The operator authorized the repairs.

9 20. That same afternoon, the operator returned to Respondent's facility to pick  
10 up the vehicle. The operator paid Adriana \$222.15 for the repairs and signed and received a  
11 copy of Invoice No. 002258.

12 21. On January 30, 2007, the Bureau began its reinspection of the vehicle  
13 using Invoice No. 002258. The inspection revealed the following:

14 a. Respondent resurfaced the front brake rotors; however, the front brake  
15 rotors were in good serviceable condition and did not need to be resurfaced.

16 b. Respondent failed to clean the rear brakes as invoiced.

17 c. Respondent adjusted the rear brakes; however, that service was not  
18 necessary.

19 **SIXTH CAUSE FOR DISCIPLINE**

20 **(Misleading Statements)**

21 22. Respondent has subjected its registration to discipline under Code section  
22 9884.7, subdivision (a)(1), in that on or about January 29, 2007, it made statements which it  
23 knew or which by exercise of reasonable care it should have known to be untrue or misleading,  
24 as follows:

25 a. Respondent represented to the operator that the front brake rotors needed  
26 to be resurfaced when, in fact, the front brake rotors were in good serviceable condition and did  
27 not need to be resurfaced.

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1 UNDERCOVER OPERATION NO. 3 - 1995 MAZDA 626

2 26. On or about May 30, 2007, a Bureau undercover operator using the alias  
3 Connie Baker ("operator") telephoned Respondent's facility and spoke with Adriana. The  
4 operator told Adriana she had a coupon from a PennySaver advertisement for a brake special for  
5 \$45 and asked whether or not her vehicle qualified for the special. Adriana told the operator that  
6 her vehicle had semi-metallic brake pads and that the cost would be an extra \$18. Adriana told  
7 the operator to bring the coupon with her because the regular price was \$95. The operator drove  
8 a Bureau documented 1995 Mazda 626, California License Plate No. 3XXJ384, to Respondent's  
9 facility and met with Adriana. The only repair necessary was replacement of the front disc brake  
10 pads. The operator provided Adriana with the coupon for the brake special. The operator filled  
11 out and signed a work order; however, the operator was not provided with a copy of the  
12 document.

13 27. Later the same day, the operator spoke with Adriana, who told the operator  
14 that the vehicle needed new front brakes. Further, Adriana told the operator that the front brake  
15 rotors needed to be resurfaced. Adriana also recommended that the rear brakes be cleaned and  
16 adjusted. Adriana quoted the operator \$182 for all the repairs. The operator authorized the  
17 repairs.

18 28. That same afternoon, the operator returned to Respondent's facility to pick  
19 up the vehicle. The operator paid Adriana \$182.60 for the repairs and signed and received a  
20 copy of Invoice No. 002521.

21 29. On June 12, 2007, the Bureau began its reinspection of the vehicle using  
22 Invoice No. 002521. The inspection revealed the following:

23 a. Respondent resurfaced the front brake rotors; however, the front brake  
24 rotors were in good serviceable condition and did not need to be resurfaced.

25 b. Respondent failed to clean and adjust the rear brakes as invoiced.

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1 **THIRTEENTH CAUSE FOR DISCIPLINE**

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

3 33. Respondent has subjected its registration to discipline under Code section  
4 9884.7, subdivision (a)(6), in that on or about May 30, 2007, it failed to comply with the  
5 following Code sections:

6 a. **Section 9884.8:** Regarding Invoice No. 002521, Respondent failed to  
7 document all parts as new, used, rebuilt or reconditioned.

8 b. **Section 9884.9, subdivision (a):** Respondent failed to provide the  
9 operator with a written estimated price for parts and labor for a specific job.

10 **OTHER MATTERS**

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

16 **PRAYER**

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

19 1. Temporarily or permanently invalidating Automotive Repair Dealer  
20 Registration Number AK 236228, issued to Petro Group, Inc., doing business as Petro Auto  
21 Care;

22 2. Temporarily or permanently invaliding any other automotive repair dealer  
23 registration issued to Petro Group, Inc., doing business as Petro Auto Care;

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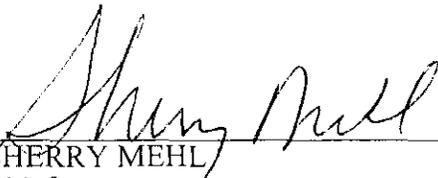
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3. Ordering Petro Group, Inc., to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,

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

DATED: 9/9/08

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