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

In the Matter of the Petition to Revoke  
Probation Against,  
  
**SYMAR ENTERPRISES INC**  
**dba PURRFECT AUTO SERVICE**  
11600 South St.  
Artesia, CA 90701  
Suneeta Syal, President,  
Manohar Syal, Secretary  
  
Automotive Repair Dealer Registration  
No. ARD 252912  
  
Respondent

Case No. 77/15-44

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about March 25, 2015, Complainant Patrick Dorais, in his official capacity as the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs, filed Petition to Revoke Probation No. 77/15-44 against Symar Enterprises Inc dba Purrfect Auto Service, with Suneeta Syal, President, and Manohar Syal, Secretary (Respondent) before the Director of Consumer Affairs, Department of Consumer Affairs. (Petition to Revoke Probation is attached as Exhibit A.)

1           2.     On or about January 8, 2008, the Bureau of Automotive Repair (Bureau) issued  
2 Automotive Repair Dealer Registration No. ARD 252912 to Respondent. The Automotive  
3 Repair Dealer Registration expired on November 30, 2013, and has not been renewed.

4           3.     On or about April 15, 2015, Respondent was served by Certified and First Class Mail  
5 copies of the Petition to Revoke Probation No. 77/15-44, Statement to Respondent, Notice of  
6 Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5,  
7 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business and  
8 Professions Code section 136, is required to be reported and maintained with the Bureau.  
9 Respondent's address of record was and is:

10       11600 South St.  
11       Artesia, CA 90701.

12           4.     Service of the Petition to Revoke Probation was effective as a matter of law under the  
13 provisions of Government Code section 11505, subdivision (c) and/or Business & Professions  
14 Code section 124.

15           5.     On or about April 27, 2015, the aforementioned documents were returned by the U.S.  
16 Postal Service marked "No Forwarding Address." The address on the documents was the same as  
17 the address on file with the Bureau. Respondent failed to maintain an updated address with the  
18 Bureau and the Bureau has made attempts to serve Respondent at the address on file. Respondent  
19 has not made itself available for service and therefore, has not availed itself of its right to file a  
20 notice of defense and appear at hearing.

21           6.     Government Code section 11506 states, in pertinent part:

22                   (c) The respondent shall be entitled to a hearing on the merits if the respondent  
23 files a notice of defense, and the notice shall be deemed a specific denial of all parts  
24 of the accusation not expressly admitted. Failure to file a notice of defense shall  
25 constitute a waiver of respondent's right to a hearing, but the agency in its discretion  
26 may nevertheless grant a hearing.

27           7.     Respondent failed to file a Notice of Defense within 15 days after service upon it of  
28 the Petition to Revoke Probation, and therefore waived its right to a hearing on the merits of  
Petition to Revoke Probation No. 77/15-44.





# Exhibit A

Petition to Revoke Probation

1 KAMALA D. HARRIS  
Attorney General of California  
2 ARMANDO ZAMBRANO  
Supervising Deputy Attorney General  
3 NANCY A. KAISER  
Deputy Attorney General  
4 State Bar No. 192083  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-5794  
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

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

12 In the Matter of the Petition to Revoke  
Probation Against,

Case No.

177/15-44

13 **SYMAR ENTERPRISES INC**  
14 **dba PURRFECT AUTO SERVICE**  
11600 South St.  
Artesia, CA 90701  
15 SUNEETA SYAL, President,  
16 Automotive Repair Dealer Registration  
No. ARD 252912

**PETITION TO REVOKE PROBATION**

17 Respondent.

18  
19  
20 Complainant alleges:

21 **PARTIES**

22 1. Patrick Dorais (Complainant) brings this Petition to Revoke Probation solely in his  
23 official capacity as the Chief of the Bureau of Automotive Repair (Bureau), Department of  
24 Consumer Affairs.

25 License History – ARD 252912

26 2. On or about January 8, 2008, the Bureau issued Automotive Repair Dealer  
27 Registration No. ARD 252912 to Symar Enterprises Inc dba Purrfect Auto Service, Suneeta Syal,  
28

1 President, Manohar Syal, Secretary (Respondent). The Automotive Repair Dealer Registration  
2 expired on November 30, 2013, and has not been renewed.

3 3. In a disciplinary action entitled "*In the Matter of Accusation Against Symar*  
4 *Enterprises, Inc. dba Purrfect Auto Service; Suneeta Syal,*" Case No. 79/09-99, the Director of  
5 Consumer Affairs (Director) for the Bureau, issued a decision, effective April 19, 2010, in which  
6 Respondent's Automotive Repair Dealer Registration was revoked. However, the revocation was  
7 stayed and the Automotive Repair Dealer Registration was placed on probation for a period of  
8 five (5) years with certain terms and conditions. A copy of that decision is attached as **Exhibit A**  
9 and is incorporated by reference.

10 License History – RC 252912

11 4. On or about January 11, 2008, the Bureau issued Smog Check Station License No.  
12 RC 252912 to Respondent. The Smog Check Station License was revoked on April 19, 2010.

13 5. In a disciplinary action entitled "*In the Matter of Accusation Against Symar*  
14 *Enterprises, Inc. dba Purrfect Auto Service; Suneeta Syal,*" Case No. 79/09-99, the Director  
15 issued a decision, effective April 19, 2010, in which Respondent's Smog Check Station License  
16 was revoked. A copy of that decision is attached as **Exhibit A** and is incorporated by reference.

17 **JURISDICTION**

18 6. This Petition to Revoke Probation is brought before the Director for the Bureau under  
19 the authority of the following laws.

20 7. This Petition to Revoke Probation is brought before the Bureau under Probation Term  
21 and Condition 8 of the Decision and Order *In the Matter of Accusation Against Symar*  
22 *Enterprises, Inc. dba Purrfect Auto Service; Suneeta Syal,*" Case No. 79/09-99. That term and  
23 condition states:

24 **Violation of Probation**

25 Should the Director of Consumer Affairs determine that Respondent has failed to  
26 comply with the terms and conditions of probation, the Department may, after giving  
27 notice and opportunity to be heard, permanently revoke Respondent's Automotive  
28 Repair Dealer Registration.

1 8. Grounds exist to revoke Respondent's probation under the authority of Condition 8 of  
2 the Decision and Order in that Respondent did not comply with the terms and conditions of it's  
3 probation, as set forth below.

4 **CAUSE TO REVOKE PROBATION**

5 **(Failed to Comply with Cost Recovery)**

6 9. At all times after the effective date of Respondent's probation, Condition 9 stated:

7 **Cost Recovery**

8 Payment to the Bureau of \$12,000.00 in costs shall be received no later than six (6)  
9 months before probation terminates. Failure to complete payment of cost recovery  
10 within this frame shall constitute a violation of probation which may subject  
11 Respondent's Automotive Repair Dealer Registration to outright revocation;  
however, the Director or the Director's Bureau of Automotive Repair designee may  
elect to continue probation until such time as reimbursement of the entire cost recover  
amount has been made to the Bureau.

12 10. Respondent's probation is subject to revocation because it failed to comply with  
13 Probation Condition 9, referenced above. The facts and circumstances regarding this violation  
14 are as follows:

15 a. Respondent has failed to pay cost recovery. The deadline for payment was October  
16 19, 2014. The balance owed for cost recovery is for the full \$12,000.00.

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**PRAYER**

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

1. Revoking the probation that was granted by the Bureau in Case No. 79/09-99 and imposing the disciplinary order that was stayed thereby revoking Automotive Repair Dealer Registration No. ARD 252912 issued to Symar Enterprises Inc dba Purrfect Auto Service, Suneeta Syal, President, Manohar Syal, Secretary;

2. Revoking or suspending Automotive Repair Dealer Registration No. ARD 252912, issued to Symar Enterprises Inc dba Purrfect Auto Service, Suneeta Syal, President, Manohar Syal, Secretary; and

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

DATED: March 25, 2015 

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

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# **Exhibit A**

**Decision and Order**

**Bureau of Automotive Repair Case No. 79/09-99**

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

In the Matter of the Accusation Against:

SYMAR ENTERPRISES, INC. dba  
PURRFECT AUTO SERVICE; SUNEETA  
SYAL, PRESIDENT  
11600 South Street  
Artesia, CA 90701

Automotive Repair Dealer Registration  
No. ARD 252912  
Smog Check Station License No. RC 252912

Respondent.

Case No. 79/09-99

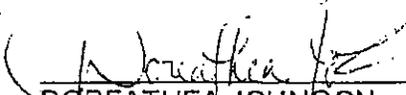
OAH No. L-2009070963

**DECISION AND ORDER**

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

This Decision shall become effective on 4/19/10

DATED: March 15, 2010

  
\_\_\_\_\_  
DORATHEA JOHNSON  
Deputy Director, Legal Affairs  
Department of Consumer Affairs

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 KAREN B. CHAPPELLE  
Supervising Deputy Attorney General  
3 RENE JUDKIEWICZ  
Deputy Attorney General  
4 State Bar No. 141773  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2537  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:  
12 **SYMAR ENTERPRISES, INC. dba**  
13 **PURRFECT AUTO SERVICE; SUNEETA**  
14 **SYAL, President**  
15 **11600 South Street**  
16 **Artesia, CA 90701**  
17 **Automotive Repair Dealer Registration No.**  
18 **ARD 252912**  
19 **Smog Check Station License No. RC 252912**  
20  
21 Respondent.

Case No. 79/09-99  
OAH No. L-2009070963  
**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

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

24 PARTIES

25 1. Sherry Mehl (Complainant) is the Chief of the Bureau of Automotive Repair. She  
26 brought this action solely in her official capacity and is represented in this matter by Edmund G.  
27 Brown Jr., Attorney General of the State of California, by Rene Judkiewicz, Deputy Attorney  
28 General.

29 2. Respondent Symar Enterprises, Inc. dba Purrfect Auto Service (Respondent) is  
30 represented in this proceeding by attorney William R. Gilmore, whose address is Strassburg  
31 Gilmore & WEI LLP, 600 South Lake Avenue, Suite 305, Pasadena, CA 91106.2.1.



1 CULPABILITY

2 9. Respondent admits the truth of each and every charge and allegation in Accusation  
3 No. 79/09-99.

4 10. Respondent agrees that its Automotive Repair Dealer registration and Smog Check  
5 Station license are subject to discipline, and agrees to be bound by the Director of Consumer  
6 Affairs' imposition of discipline as set forth in the Disciplinary Order below.

7 CONTINGENCY

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

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

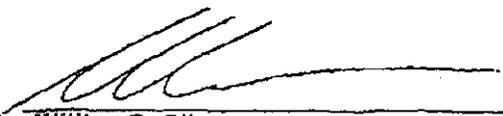
22 13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an  
23 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
24 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
25 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
26 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
27 writing executed by an authorized representative of each of the parties.  
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I have read and fully discussed with Respondent the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

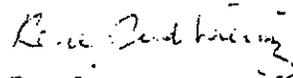
DATED: 2/8/10   
William R. Gilmore  
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Director of Consumer Affairs.

Dated: 2/8/10

Respectfully Submitted,  
EDMUND G. BROWN JR.  
Attorney General of California  
KAREN B. CHAPPELLE  
Supervising Deputy Attorney General

  
RENE JUDKIEWICZ  
Deputy Attorney General  
Attorneys for Complainant

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1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
3 300 So. Spring Street, Suite 1702  
Los Angeles, CA 90013  
4 Telephone: (213) 897-2520  
Facsimile: (213) 897-2804  
5 Attorneys for Complainant

6  
7 **BEFORE THE**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
8 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**  
**STATE OF CALIFORNIA**

9 In the Matter of the Accusation Against:

Case No. 79/09-99

10 SYMAR ENTERPRISES, INC.  
11 dba PURRFECT AUTO SERVICE  
12 11600 South Street  
13 Artesia, CA 90701  
SUNEETA SYAL, President

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

**SMOG CHECK**

14 Automotive Repair Dealer Registration No. ARD  
252912  
15 Smog Check Station License No. RC 252912

Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Sherry Mehl ("Complainant") brings this Accusation solely in her official  
20 capacity as the Chief of the Bureau of Automotive Repair ("Bureau"), Department of Consumer  
21 Affairs.

22 Automotive Repair Dealer Registration No. ARD 252912

23 2. On or about January 8, 2008, the Director of Consumer Affairs  
24 ("Director") issued Automotive Repair Dealer Registration Number ARD 252912 to Symar  
25 Enterprises, Inc. ("Respondent"), a corporation, doing business as Purrfect Auto Service, with  
26 Suneeta Syal as president. Respondent's automotive repair dealer registration was in full force  
27 and effect at all times relevant to the charges brought herein and will expire on November 30,  
28 2009, unless renewed.

1 Smog Check Station License No. RC 252912

2 3. On or about January 11, 2008, the Director issued Smog Check Station  
3 License Number RC 252912 to Respondent. Respondent's smog check station license was in  
4 full force and effect at all times relevant to the charges brought herein and will expire on  
5 November 30, 2009, unless renewed.

6 JURISDICTION

7 4. Business and Professions Code ("Bus. & Prof. Code") section 9884.7  
8 provides that the Director may invalidate an automotive repair dealer registration.

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

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

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

20 STATUTORY PROVISIONS

21 8. Bus. & Prof. Code section 9884.7 states, in pertinent part:

22 (a) The director, where the automotive repair dealer cannot show there  
23 was a bona fide error, may refuse to validate, or may invalidate temporarily or  
24 permanently, the registration of an automotive repair dealer for any of the  
25 following acts or omissions related to the conduct of the business of the  
26 automotive repair dealer, which are done by the automotive repair dealer or any  
27 automotive technician, employee, partner, officer, or member of the automotive  
28 repair dealer.

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

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

(4) Any other conduct which constitutes fraud.  
.....

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

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

(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.

9. Bus. & Prof. Code section 9884.9, subdivision (a), states, in pertinent part:

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 when 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 . . .

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

///

1 11. Health & Saf. Code section 44072.2, subdivision (d), states, in pertinent  
2 part:

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

6 . . . . .  
7 (d) Commits any act involving dishonesty, fraud, or deceit whereby  
8 another is injured . . .

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

12 **COST RECOVERY**

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

17 **UNDERCOVER OPERATION #1: 1992 CHEVROLET S10 PICK-UP**

18 14. On March 6, 2008, at approximately 0940 hours, a representative of the  
19 Bureau acting in an undercover capacity and using the alias Louie Hernandez ("Hernandez"),  
20 took the Bureau's 1992 Chevrolet S10 pickup to Respondent's facility and requested a smog  
21 inspection. A defective coolant temperature sensor ("CTS") was installed in the engine of the  
22 Bureau-documented vehicle, causing the vehicle to fail a smog inspection. Respondent's  
23 employee, Johnnie Shah ("Shah"), instructed Hernandez to fill up the gas tank and bring the  
24 vehicle back. When Hernandez returned at approximately 1004 hours, Moni Syal ("Syal"), who  
25 represented himself as the owner of the facility, had him complete and sign a work order/invoice  
26 and told him that the cost for the smog check was \$38.95.

27 15. After Hernandez waited approximately 30 minutes at the facility, Shah  
28 informed him that the vehicle had not passed the smog test and would require a diagnosis, at a  
cost of \$49.95. Hernandez authorized the diagnosis and left the facility without receiving any  
paperwork.

1           16.     At approximately 1335 hours, Hernandez contacted the facility and spoke  
2 to Shah. Shah told him that they had completed the diagnosis and determined that the CTS, idle  
3 air control ("IAC") valve, and the throttle body base gaskets needed to be replaced, at a cost of  
4 \$492.54, plus tax. Hernandez asked Shah on two separate occasions if the repairs were necessary  
5 for the vehicle to pass the smog test, and he responded "yes." Shah also told Hernandez that,  
6 after the repairs were performed, the vehicle would have to be taken to a Test Only station in  
7 order to get a smog certificate, but that they could do a "pre-test" after the repairs to show that the  
8 vehicle would pass the smog test. Hernandez authorized the repairs.

9           17.     At 1615 hours, Hernandez contacted Shah and was told that the vehicle  
10 was ready. Hernandez arranged to pick the vehicle up the next day.

11           18.     On March 7, 2008, at approximately 1402 hours, Hernandez returned to  
12 Respondent's facility to pick up the vehicle. Shah showed Hernandez a Vehicle Inspection  
13 Report ("VIR") and pointed out the emission levels between the first and second smog checks.  
14 Shah told Hernandez that the vehicle was running a lot better, that it was ready to pass the smog  
15 inspection, and that he could take it to J&B Smog for the smog test. Hernandez requested the old  
16 parts from the vehicle, which Shah provided to him. Hernandez then paid Shah for the repairs,  
17 totaling \$513.11, and received a copy of the work order/invoice along with two VIRs.

18           19.     On March 10, 2008 and March 11, 2008, Bureau Representative Paul  
19 Stump ("Stump") inspected the vehicle and found that the CTS, throttle body base gaskets, and  
20 IAC valve had been replaced when, in fact, the only repair needed was the replacement of the  
21 CTS to make the vehicle pass the smog inspection. Further, Stump found that Respondent had  
22 failed to put the thermostatic air cleaner preheat tube in place at the exhaust manifold side of the  
23 tube.

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1 FIRST CAUSE FOR DISCIPLINE

2 (Untrue or Misleading Statements)

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

7 a. Respondent's employee, Shah, represented to Hernandez that the  
8 Bureau's 1992 Chevrolet S10 pick-up needed the IAC valve and the throttle body base gaskets  
9 replaced. In fact, the IAC valve and the throttle body base gaskets were not in need of  
10 replacement. Further, the only repair needed on the vehicle was the replacement of the CTS.

11 b. Respondent's employee, Shah, represented to Hernandez that the Bureau's  
12 1992 Chevrolet S10 pick-up would not pass a smog test unless the IAC valve and throttle body  
13 base gaskets were replaced. In fact, the IAC valve and throttle body base gaskets did not need  
14 replacement in order for the vehicle to pass the smog test.

15 SECOND CAUSE FOR DISCIPLINE

16 (Fraud)

17 21. Respondent's automotive repair dealer registration is subject to  
18 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(4), in that  
19 Respondent committed an act constituting fraud, as follows: Respondent's employee, Shah,  
20 made a false or misleading representation to Hernandez regarding the Bureau's 1992 Chevrolet  
21 S10 pick-up, as set forth in paragraph 20 above, in order to induce Hernandez to purchase  
22 unnecessary repairs on the vehicle, i.e., replacement of the IAC valve and the throttle body base  
23 gaskets, then sold Hernandez the unnecessary repairs.

24 THIRD CAUSE FOR DISCIPLINE

25 (Departure From Trade Standards)

26 22. Respondent's automotive repair dealer registration is subject to  
27 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(7), in that  
28 Respondent willfully departed from or disregarded accepted trade standards for good and

1 workmanlike repair without the consent of the owner or the owner's duly authorized  
2 representative, in a material respect, as follows: Respondent failed to properly repair the  
3 Bureau's 1992 Chevrolet S10 pick-up by failing to put the thermostatic air cleaner preheat tube  
4 in place at the exhaust manifold side of the tube.

5 **FOURTH CAUSE FOR DISCIPLINE**

6 **(Failure to Provide Customer with Copy of Work Order/Invoice)**

7 23. Respondent's automotive repair dealer registration is subject to  
8 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(3), in that  
9 Respondent's employee, Shah, failed to give Hernandez a copy of the work order/invoice as soon  
10 as the document was signed.

11 **FIFTH CAUSE FOR DISCIPLINE**

12 **(Violations of the Code)**

13 24. Respondent's automotive repair dealer registration is subject to  
14 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(6), in that  
15 Respondent failed to comply with section 9884.9, subdivision (a), of that Code. Respondent  
16 failed to provide Hernandez with a written estimate for parts and labor necessary for a specific  
17 job and failed to obtain Hernandez's signature on the work order/invoice prior to commencing  
18 repair work on the Bureau's 1992 Chevrolet S10 pick-up.

19 **SIXTH CAUSE FOR DISCIPLINE**

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

21 25. Respondent's smog check station license is subject to disciplinary action  
22 pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent committed a  
23 dishonest, fraudulent, or deceitful act whereby another is injured, as follows: Respondent made a  
24 false or misleading representation to Hernandez regarding the Bureau's 1992 Chevrolet S10 pick-  
25 up, as set forth in paragraph 20 above, in order to induce Hernandez to purchase unnecessary  
26 repairs on the vehicle, i.e. replacement of the IAC valve and the throttle body base gaskets, then  
27 sold Hernandez the unnecessary repairs.

28 ///





1 of replacement. Further, the only repair needed on the vehicle was to replace the number one  
2 spark plug, clear trouble code P0301, and perform a test drive to reset the powertrain control  
3 module monitors.

4 b. Respondent's employee, Chad, represented to Martinez that the Bureau's  
5 1997 Pontiac Grand Am would not pass a smog test unless the crank shaft sensor was replaced.  
6 In fact, the crank shaft sensor did not need replacement in order for the vehicle to pass the smog  
7 test.

8 c. Respondent represented on the work order/invoice that the serpentine  
9 pulley tensioner was twisted and that the air conditioning compressor clutch was noisy. In fact,  
10 the serpentine pulley tensioner was correctly mounted and not twisted and the air conditioning  
11 compressor clutch was functioning properly and not making any unusual noises.

12 **EIGHTH CAUSE FOR DISCIPLINE**

13 **(Fraud)**

14 33. Respondent's automotive repair dealer registration is subject to  
15 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(4), in that  
16 Respondent committed an act constituting fraud, as follows: Respondent's employee, Chad,  
17 made a false or misleading representation to Martinez regarding the Bureau's 1997 Pontiac  
18 Grand Am, as set forth in paragraph 32 above, in order to induce Martinez to purchase  
19 unnecessary repairs on the vehicle, then sold Martinez the unnecessary repair of the crankshaft  
20 sensor.

21 **NINTH CAUSE FOR DISCIPLINE**

22 **(Failure to Provide Customer with Copy of Work Order/Invoice)**

23 34. Respondent's automotive repair dealer registration is subject to  
24 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(3), in that  
25 Respondent's employee, Chad, failed to give Martinez a copy of the work order/invoice as soon  
26 as the document was signed.

27 ///

28 ///

1 TENTH CAUSE FOR DISCIPLINE

2 (Violations of the Code)

3 35. Respondent's automotive repair dealer registration is subject to  
4 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(6), in that  
5 Respondent failed to comply with section 9884.9, subdivision (a), of that Code. Respondent's  
6 employee, Chad, failed to provide Martinez with a written estimate for parts and labor necessary  
7 for a specific job and failed to obtain Martinez's signature on the work order/invoice prior to  
8 commencing repair work on the Bureau's 1997 Pontiac Grand Am.

9 ELEVENTH CAUSE FOR DISCIPLINE

10 (Dishonesty, Fraud or Deceit)

11 36. Respondent's smog check station license is subject to disciplinary action  
12 pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent committed a  
13 dishonest, fraudulent, or deceitful act whereby another is injured, as follows: Respondent's  
14 employee, Chad, made false or misleading representations to Martinez regarding the Bureau's  
15 1997 Pontiac Grand Am, as set forth in paragraph 32 above, in order to induce Martinez to  
16 purchase unnecessary repairs on the vehicle, then sold Martinez the unnecessary repair of the  
17 crankshaft sensor.

18 UNDERCOVER OPERATION #3: 2001 TOYOTA COROLLA

19 37. On July 15, 2008, at approximately 0914 hours, a representative of the  
20 Bureau acting in an undercover capacity and using the alias Louie Gonzalez ("Gonzalez"), took  
21 the Bureau's 2001 Toyota Corolla to Respondent's facility and requested a smog inspection. A  
22 defect in the heater circuit of the heated oxygen sensor (Bank 1 Sensor 1) had been created in the  
23 Bureau documented vehicle, causing the "check lamp" light to illuminate; a diagnostic trouble  
24 code P0135, O2 sensor heater circuit malfunction (Bank 1 Sensor 1) to be recorded in the engine  
25 control module memory; and the vehicle to fail a smog inspection. Respondent's unidentified  
26 employee told Gonzalez that the price for a smog check was \$38.25, asked him for his DMV  
27 paperwork, and had him sign a work order/invoice (Gonzalez was not provided with a copy of  
28 the work order/invoice). Gonzalez then told Respondent's employee that the check engine light

1 was illuminated. Respondent's employee told Gonzalez that he would have to diagnose the  
2 vehicle first and then, after the repair, he would be able to perform the smog test. Gonzalez  
3 authorized the work and then waited in the customer area.

4           38.     Approximately one hour later, Respondent's employee, Syal, told  
5 Gonzalez that the oxygen sensors had to be replaced and the electronic fuel injection system  
6 ("EFI") would need to be cleaned. Gonzalez asked Syal if the fuel cleaning was necessary to  
7 pass the smog check and he replied, "It has to be done to operate better with the new parts  
8 installed and to pass the smog test." Syal told Gonzalez that the cost of the repairs would be  
9 \$450, plus the price of the smog test. Gonzalez authorized the work, was given a copy of the  
10 work order/invoice he had signed, and left the facility.

11           39.     At 1415 hours, Gonzalez contacted Respondent and was told that the  
12 vehicle was ready to be picked up.

13           40.     At 1500 hours, Gonzalez returned to Respondent's facility and was met by  
14 Syal. Syal told Gonzalez that the total of the repairs was \$503.64. Gonzalez paid for the repairs  
15 and received a copy of the work order/invoice and the VIR. Gonzalez again asked Syal if all the  
16 parts and repairs were necessary to pass the smog check and Syal replied, "It was all necessary to  
17 pass the smog check." Gonzalez then left the facility.

18           41.     At 1533 hours, Gonzalez contacted Syal and requested that he clarify the  
19 charges for the parts and fuel cleaning because the work order/invoice did not specify. Syal said  
20 he would check and call Gonzalez back. Syal called Gonzalez back a few minutes later and told  
21 him that two sensors had been replaced, the first sensor was \$130 and the second was \$135, and  
22 the EFI system service was \$100. Gonzalez then asked Syal what was done on the fuel system  
23 service and he replied that it was, "A three step system, the air filter and fuel filter were replaced  
24 and a chemical was used in the system." Then Syal said, "The three step system may not have  
25 been done because my problem was with the smog test." Syal told Gonzalez that he would have  
26 to check with the mechanic to find out if the service was done and get back to him later;  
27 however, Syal never called Gonzalez back.

28 ///

1                   42.     July 16, 2008, and August 14, 2008, Bureau Representative Michael  
2 Stubblefield ("Stubblefield") inspected the vehicle and reviewed Respondent's work  
3 order/invoice. Stubblefield found that both heated oxygen sensors (Bank 1 Sensor 1 and Bank 1  
4 Sensor 2) had been replaced when, in fact, the only repair needed was to replace the heated  
5 oxygen sensor (Bank 1 Sensor 1). In addition, the vehicle's air filter and fuel filter had not been  
6 replaced and should have been done as part of the EFI system service invoiced by Respondent.  
7 Further, Stubblefield determined that replacement of the heated oxygen sensor (Bank 1 Sensor 2)  
8 and EFI system service were not necessary for the vehicle to pass the smog test.

9                                   **TWELFTH CAUSE FOR DISCIPLINE**

10                                   **(Untrue or Misleading Statements)**

11                   43.     Respondent's automotive repair dealer registration is subject to  
12 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(1), in that  
13 Respondent made or authorized a statement which it knew or in the exercise of reasonable care  
14 should have known to be untrue or misleading, as follows:

15                   a.     Respondent's employee, Syal, represented to Gonzalez that the Bureau's  
16 2001 Toyota Corolla needed the heated oxygen sensor (Bank 1 Sensor 2) replaced and the EFI  
17 system serviced. In fact, the heated oxygen sensor (Bank 1 Sensor 2) was not in need of  
18 replacement and the EFI system did not need to be serviced. Further, the only repair needed on  
19 the vehicle was to replace the heated oxygen sensor (Bank 1 Sensor 1).

20                   b.     Respondent's employee, Syal, represented to Gonzalez that the air filter  
21 and fuel filter had been replaced on the Bureau's 2001 Toyota Corolla as a part of the EFI system  
22 service. In fact, the air filter and fuel filter had not been replaced on the vehicle.

23                   c.     Respondent's employee, Syal, represented to Gonzalez that the Bureau's  
24 2001 Toyota Corolla would not pass the smog test unless the heated oxygen sensor (Bank 1  
25 Sensor 2) was replaced and the EFI system serviced. In fact, the heated oxygen sensor (Bank 1  
26 Sensor 2) did not need to be replaced and the EFI system did not need to be serviced in order for  
27 the vehicle to pass the smog test.

28     ///

1 THIRTEENTH CAUSE FOR DISCIPLINE

2 (Fraud)

3 44. Respondent's automotive repair dealer registration is subject to  
4 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(4), in that  
5 Respondent committed acts constituting fraud, as follows:

6 a. Respondent's employee, Syal, made false or misleading representations to  
7 Gonzalez regarding the Bureau's 2001 Toyota Corolla, as set forth in paragraph 43 above, in  
8 order to induce Gonzalez to purchase unnecessary repairs on the vehicle, i.e. replacement of the  
9 heated oxygen sensor (Bank 1 Sensor 2) and service of the EFI system, then sold Gonzalez the  
10 unnecessary repairs.

11 b. Respondent charged and obtained payment from Gonzalez for the EFI  
12 system service on the Bureau's 2001 Toyota Corolla when, in fact, the air filter and fuel filter (as  
13 components of the EFI system) had not been replaced on the vehicle as invoiced.

14 FOURTEENTH CAUSE FOR DISCIPLINE

15 (Failure to Provide Customer with Copy of Work Order/Invoice)

16 45. Respondent's automotive repair dealer registration is subject to  
17 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(3), in that  
18 Respondent's employee, Syal, failed to give Gonzalez a copy of the work order/invoice as soon  
19 as the document was signed.

20 FIFTEENTH CAUSE FOR DISCIPLINE

21 (Violations of the Code)

22 46. Respondent's automotive repair dealer registration is subject to  
23 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(6), in that  
24 Respondent failed to comply with section 9884.9, subdivision (a), of that Code. Respondent's  
25 employee, Syal, failed to provide Gonzalez with a written estimate for parts and labor necessary  
26 for a specific job and failed to obtain Gonzalez's signature on the work order/invoice prior to  
27 commencing repair work on the Bureau's 2001 Toyota Corolla.

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1 SIXTEENTH CAUSE FOR DISCIPLINE

2 (Dishonesty, Fraud or Deceit)

3 47. Respondent's smog check station license is subject to disciplinary action  
4 pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent committed a  
5 dishonest, fraudulent, or deceitful act whereby another is injured, as follows: Respondent's  
6 employee, Syal, made false or misleading representations to Gonzalez regarding the Bureau's  
7 2001 Toyota Corolla, as set forth in paragraph 43 above, in order to induce Gonzalez to purchase  
8 unnecessary repairs on the vehicle i.e. replacement of the heated oxygen sensor (Bank 1 Sensor  
9 2) and service of the EFI system, then sold Gonzalez the unnecessary repairs.

10 OTHER MATTERS

11 48. Pursuant to Bus. & Prof. Code section 9884.7, subdivision (c), the  
12 Director may invalidate temporarily or permanently, the registrations for all places of business  
13 operated in this state by Respondent Symar Enterprises, Inc., doing business as Purrfect Auto  
14 Service, upon a finding that said Respondent has, or is, engaged in a course of repeated and  
15 willful violations of the laws and regulations pertaining to an automotive repair dealer.

16 49. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Station  
17 License Number RC 252912, issued to Symar Enterprises, Inc., doing business as Purrfect Auto  
18 Service, is revoked or suspended, any additional license issued under this chapter in the name of  
19 said licensee may be likewise revoked or suspended by the Director.

20 PRAYER

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

23 1. Temporarily or permanently invalidating Automotive Repair Dealer  
24 Registration Number ARD 252912, issued to Symar Enterprises, Inc., doing business as Purrfect  
25 Auto Service;

26 2. Temporarily or permanently invalidating any other automotive repair  
27 dealer registration issued to Symar Enterprises, Inc., doing business as Purrfect Auto Service;

28 ///

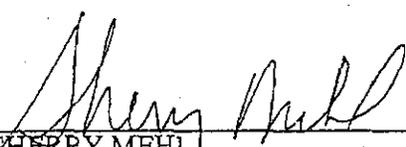
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3. Revoking or suspending Smog Check Station License Number  
RC 252912, issued to Symar Enterprises, Inc., doing business as Purrfect Auto Service;

4. Ordering Respondent Symar Enterprises, Inc., doing business as Purrfect  
Auto Service, to pay the Director of Consumer Affairs the reasonable costs of the investigation  
and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

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

DATED: 5 8 09

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

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Symar Enterprises, Inc.acc.wpd

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2 ARMANDO ZAMBRANO  
Supervising Deputy Attorney General  
3 NANCY A. KAISER  
Deputy Attorney General  
4 State Bar No. 192083  
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5 Los Angeles, CA 90013  
Telephone: (213) 897-5794  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*  
7

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

10  
11  
12 In the Matter of the Petition to Revoke  
Probation Against:

13 **SYMAR ENTERPRISES INC DBA**  
**PURRFECT AUTO SERVICE,**  
14 **SUNEETA SYAL, President,**

15 Respondent.

Case No. 77/15-44

**STATEMENT TO RESPONDENT**

[Gov. Code §§ 11504, 11505(b)]

16  
17 **TO RESPONDENT:**

18 Enclosed is a copy of the Petition to Revoke Probation that has been filed with the Director  
19 of Consumer Affairs, Bureau of Automotive Repair (Bureau), and which is hereby served on you.

20 Unless a written request for a hearing signed by you or on your behalf is delivered or  
21 mailed to the Bureau, represented by Deputy Attorney General Nancy A. Kaiser, within fifteen  
22 (15) days after a copy of the Petition to Revoke Probation was personally served on you or mailed  
23 to you, you will be deemed to have waived your right to a hearing in this matter and the Bureau  
24 may proceed upon the Petition to Revoke Probation without a hearing and may take action  
25 thereon as provided by law.  
26  
27  
28

1 The request for hearing may be made by delivering or mailing one of the enclosed forms  
2 entitled "Notice of Defense," or by delivering or mailing a Notice of Defense as provided in  
3 section 11506 of the Government Code, to

4  
5 **Nancy A. Kaiser**  
6 **Deputy Attorney General**  
7 **Ronald Reagan Building**  
8 **300 South Spring Street, Suite 1702**  
9 **Los Angeles, CA 90013**

10 You may, but need not, be represented by counsel at any or all stages of these proceedings.

11 The enclosed Notice of Defense, if signed and filed with the Bureau, shall be deemed a  
12 specific denial of all parts of the Petition to Revoke Probation, but you will not be permitted to  
13 raise any objection to the form of the Petition to Revoke Probation unless you file a further Notice  
14 of Defense as provided in section 11506 of the Government Code within fifteen (15) days after  
15 service of the Petition to Revoke Probation on you.

16 If you file any Notice of Defense within the time permitted, a hearing will be held on the  
17 charges made in the Petition to Revoke Probation.

18 The hearing may be postponed for good cause. If you have good cause, you are obliged to  
19 notify the Office of Administrative Hearings, 320 West Fourth Street, Suite 630, Los Angeles,  
20 CA 90013, within ten (10) working days after you discover the good cause. Failure to notify the  
21 Office of Administrative Hearings within ten (10) days will deprive you of a postponement.

22 Copies of sections 11507.5, 11507.6, and 11507.7 of the Government Code are enclosed.

23 If you desire the names and addresses of witnesses or an opportunity to inspect and copy  
24 the items mentioned in section 11507.6 of the Government Code in the possession, custody or  
25 control of the Bureau you may send a Request for Discovery to the above designated Deputy  
26 Attorney General.

27 **NOTICE REGARDING STIPULATED SETTLEMENTS**

28 It may be possible to avoid the time, expense and uncertainties involved in an  
administrative hearing by disposing of this matter through a stipulated settlement. A stipulated  
settlement is a binding written agreement between you and the government regarding the matters

1 charged and the discipline to be imposed. Such a stipulation would have to be approved by the  
2 Director of Consumer Affairs, Bureau of Automotive Repair but, once approved, it would be  
3 incorporated into a final order.

4 Any stipulation must be consistent with the Bureau's established disciplinary guidelines;  
5 however, all matters in mitigation or aggravation will be considered. A copy of the Bureau's  
6 Disciplinary Guidelines will be provided to you on your written request to the state agency  
7 bringing this action.

8 If you are interested in pursuing this alternative to a formal administrative hearing, or if you  
9 have any questions, you or your attorney should contact Deputy Attorney General Nancy A.  
10 Kaiser at the earliest opportunity.

11 Dated: April 15, 2015

KAMALA D. HARRIS  
Attorney General of California  
ARMANDO ZAMBRANO  
Supervising Deputy Attorney General



NANCY A. KAISER  
Deputy Attorney General  
*Attorneys for Complainant*

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1 KAMALA D. HARRIS  
Attorney General of California  
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Supervising Deputy Attorney General  
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5 Los Angeles, CA 90013  
Telephone: (213) 897-5794  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*  
7

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

10  
11 In the Matter of the Petition to Revoke  
Probation Against:

Case No. 77/15-44

12 **SYMAR ENTERPRISES INC DBA**  
13 **PURRFECT AUTO SERVICE,**  
14 **SUNEETA SYAL, President,**

**REQUEST FOR DISCOVERY**

15 Respondent.  
16

17 TO RESPONDENT:

18 Under section 11507.6 of the Government Code of the State of California, parties to an  
19 administrative hearing, including the Complainant, are entitled to certain information concerning  
20 the opposing party's case. A copy of the provisions of section 11507.6 of the Government Code  
21 concerning such rights is included among the papers served.

22 PURSUANT TO SECTION 11507.6 OF THE GOVERNMENT CODE, YOU ARE  
23 HEREBY REQUESTED TO:

- 24 1. Provide the names and addresses of witnesses to the extent known to the Respondent,  
25 including, but not limited to, those intended to be called to testify at the hearing, and  
26 2. Provide an opportunity for the Complainant to inspect and make a copy of any of the  
27 following in the possession or custody or under control of the Respondent:  
28

1 a. A statement of a person, other than the Respondent, named in the  
2 initial administrative pleading, or in any additional pleading, when it is claimed that  
3 the act or omission of the Respondent as to this person is the basis for the  
4 administrative proceeding;

5 b. A statement pertaining to the subject matter of the proceeding made  
6 by any party to another party or persons;

7 c. Statements of witnesses then proposed to be called by the  
8 Respondent and of other persons having personal knowledge of the acts, omissions or  
9 events which are the basis for the proceeding, not included in (a) or (b) above;

10 d. All writings, including but not limited to reports of mental, physical  
11 and blood examinations and things which the Respondent now proposes to offer in  
12 evidence;

13 e. Any other writing or thing which is relevant and which would be  
14 admissible in evidence, including but not limited to, any patient or hospital records  
15 pertaining to the persons named in the pleading;

16 f. Investigative reports made by or on behalf of the Respondent  
17 pertaining to the subject matter of the proceeding, to the extent that these reports (1)  
18 contain the names and addresses of witnesses or of persons having personal  
19 knowledge of the acts, omissions or events which are the basis for the proceeding, or  
20 (2) reflect matters perceived by the investigator in the course of his or her  
21 investigation, or (3) contain or include by attachment any statement or writing  
22 described in (a) to (e), inclusive, or summary thereof.

23  
24 For the purpose of this Request for Discovery, "statements" include written statements by  
25 the person, signed, or otherwise authenticated by him or her, stenographic, mechanical, electrical  
26 or other recordings, or transcripts thereof, of oral statements by the person, and written reports or  
27 summaries of these oral statements.

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YOU ARE HEREBY FURTHER NOTIFIED that nothing in this Request for Discovery should be deemed to authorize the inspection or copying of any writing or thing which is privileged from disclosure by law or otherwise made confidential or protected as attorney's work product.

Your response to this Request for Discovery should be directed to the undersigned attorney for the Complainant at the address on the first page of this Request for Discovery within 30 days after service of the Petition to Revoke Probation.

Failure without substantial justification to comply with this Request for Discovery may subject the Respondent to sanctions pursuant to sections 11507.7 and 11455.10 to 11455.30 of the Government Code.

Dated: April 15, 2015

KAMALA D. HARRIS  
Attorney General of California  
ARMANDO ZAMBRANO  
Supervising Deputy Attorney General

  
NANCY A. KAISER  
Deputy Attorney General  
*Attorneys for Complainant*

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**COPY OF GOVERNMENT CODE SECTIONS 11507.5, 11507.6 AND 11507.7  
PROVIDED PURSUANT TO GOVERNMENT CODE SECTIONS 11504 AND 11505**

**SECTION 11507.5: Exclusivity of discovery provisions**

The provisions of Section 11507.6 provide the exclusive right to and method of discovery as to any proceeding governed by this chapter.

**SECTION 11507.6: Request for discovery**

After initiation of a proceeding in which a respondent or other party is entitled to a hearing on the merits, a party, upon written request made to another party, prior to the hearing and within 30 days after service by the agency of the initial pleading or within 15 days after the service of an additional pleading, is entitled to (1) obtain the names and addresses of witnesses to the extent known to the other party, including, but not limited to, those intended to be called to testify at the hearing, and (2) inspect and make a copy of any of the following in the possession or custody or under the control of the other party:

(a) A statement of a person, other than the respondent, named in the initial administrative pleading, or in any additional pleading, when it is claimed that the act or omission of the respondent as to this person is the basis for the administrative proceeding;

(b) A statement pertaining to the subject matter of the proceeding made by any party to another party or person;

(c) Statements of witnesses then proposed to be called by the party and of other persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, not included in (a) or (b) above;

(d) All writings, including, but not limited to, reports of mental, physical and blood examinations and things which the party then proposes to offer in evidence;

(e) Any other writing or thing which is relevant and which would be admissible in evidence;

(f) Investigative reports made by or on behalf of the agency or other party pertaining to the subject matter of the proceeding, to the extent that these reports (1) contain the names and addresses of witnesses or of persons having personal knowledge of the acts, omissions or events which are the basis for the proceeding, or (2) reflect matters perceived by the investigator in the course of his or her investigation, or (3) contain or include by attachment any statement or writing described in (a) to (e), inclusive, or summary thereof.

For the purpose of this section, "statements" include written statements by the person signed or otherwise authenticated by him or her, stenographic, mechanical, electrical or other recordings, or transcripts thereof, of oral statements by the person, and written reports or summaries of these oral statements.

Nothing in this section shall authorize the inspection or copying of any writing or thing which is privileged from disclosure by law or otherwise made confidential or protected as the attorney's work product.

## **SECTION 11507.7: Petition to compel discovery; Order; Sanctions**

(a) Any party claiming the party's request for discovery pursuant to Section 11507.6 has not been complied with may serve and file with the administrative law judge a motion to compel discovery, naming as respondent the party refusing or failing to comply with Section 11507.6. The motion shall state facts showing the respondent party failed or refused to comply with Section 11507.6, a description of the matters sought to be discovered, the reason or reasons why the matter is discoverable under that section, that a reasonable and good faith attempt to contact the respondent for an informal resolution of the issue has been made, and the ground or grounds of respondent's refusal so far as known to the moving party.

(b) The motion shall be served upon respondent party and filed within 15 days after the respondent party first evidenced failure or refusal to comply with Section 11507.6 or within 30 days after request was made and the party has failed to reply to the request, or within another time provided by stipulation, whichever period is longer.

(c) The hearing on the motion to compel discovery shall be held within 15 days after the motion is made, or a later time that the administrative law judge may on the judge's own motion for good cause determine. The respondent party shall have the right to serve and file a written answer or other response to the motion before or at the time of the hearing.

(d) Where the matter sought to be discovered is under the custody or control of the respondent party and the respondent party asserts that the matter is not a discoverable matter under the provisions of Section 11507.6, or is privileged against disclosure under those provisions, the administrative law judge may order lodged with it matters provided in subdivision (b) of Section 915 of the Evidence Code and examine the matters in accordance with its provisions.

(e) The administrative law judge shall decide the case on the matters examined in camera, the papers filed by the parties, and such oral argument and additional evidence as the administrative law judge may allow.

(f) Unless otherwise stipulated by the parties, the administrative law judge shall no later than 15 days after the hearing make its order denying or granting the motion. The order shall be in writing setting forth the matters the moving party is entitled to discover under Section 11507.6. A copy of the order shall forthwith be served by mail by the administrative law judge upon the parties. Where the order grants the motion in whole or in part, the order shall not become effective until 10 days after the date the order is served. Where the order denies relief to the moving party, the order shall be effective on the date it is served.

\*\*\*\*\*

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

In the Matter of the Petition to Revoke  
Probation Against:

**SYMAR ENTERPRISES INC DBA  
PURRFECT AUTO SERVICE,  
SUNEETA SYAL, President,**

Respondent.

Case No. 77/15-44

**NOTICE OF DEFENSE**

[Gov. Code §§ 11505 and 11506]

I, the undersigned Respondent in the above-entitled proceeding, hereby acknowledge receipt of a copy of the Petition to Revoke Probation; Statement to Respondent; Government Code sections 11507.5, 11507.6 and 11507.7, Complainant's Request for Discovery; and two copies of a Notice of Defense.

I hereby request a hearing to permit me to present my defense to the charges contained in the Petition to Revoke Probation.

Dated: \_\_\_\_\_

Respondent's Name: \_\_\_\_\_

Respondent's Signature: \_\_\_\_\_

Respondent's Mailing  
Address: \_\_\_\_\_

City, State and Zip Code: \_\_\_\_\_

Respondent's Telephone: \_\_\_\_\_

Respondent's Fax: \_\_\_\_\_

Respondent's E-mail \_\_\_\_\_

**Check appropriate box:**

- I am represented by counsel, whose name, address and telephone number appear below:

Counsel's Name \_\_\_\_\_

Counsel's Mailing Address \_\_\_\_\_

City, State and Zip Code \_\_\_\_\_

Counsel's Telephone: \_\_\_\_\_

Counsel's Fax: \_\_\_\_\_

Counsel's E-mail: \_\_\_\_\_

- I am not now represented by counsel. If and when counsel is retained, immediate notification of the attorney's name, address and telephone number will be filed with the Office of Administrative Hearing and a copy sent to counsel for Complainant so that counsel will be on record to receive legal notices, pleadings and other papers.

The agency taking the action described in the Petition to Revoke Probation may have formulated guidelines to assist the administrative law judge in reaching an appropriate penalty. You may obtain a copy of the guidelines by requesting them from the agency in writing.

LA2014513106  
51752770.DOC

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

In the Matter of the Petition to Revoke  
Probation Against:

**SYMAR ENTERPRISES INC DBA  
PURRFECT AUTO SERVICE,  
SUNEETA SYAL, President,**

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Dated: \_\_\_\_\_

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Respondent's Signature: \_\_\_\_\_

Respondent's Mailing  
Address: \_\_\_\_\_

City, State and Zip Code: \_\_\_\_\_

Respondent's Telephone: \_\_\_\_\_

Respondent's Fax: \_\_\_\_\_

Respondent's E-mail: \_\_\_\_\_

**Check appropriate box:**

- I am represented by counsel, whose name, address and telephone number appear below:

Counsel's Name \_\_\_\_\_

Counsel's Mailing Address \_\_\_\_\_

City, State and Zip Code \_\_\_\_\_

Counsel's Telephone: \_\_\_\_\_

Counsel's Fax: \_\_\_\_\_

Counsel's E-mail: \_\_\_\_\_

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LA2014513106  
51752770.DOC

**DECLARATION OF SERVICE BY CERTIFIED MAIL AND FIRST CLASS MAIL**

(Separate Mailings)

Case Name: **In the Matter of the Petition to Revoke Probation Against: Symar Enterprises Inc dba Purrfect Auto Service**

No.: 77/15-44

I declare: I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

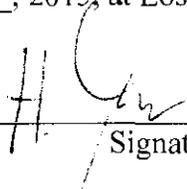
On April 16, 2015, I served the attached **Statement to Respondent; Petition to Revoke Probation; Request for Discovery; Copy of Government Code Sections 11507.5, 11507.6, and 11507.7; and two copies of Notice of Defense** by placing a true copy thereof enclosed in a sealed envelope as certified mail with return receipt requested, and another true copy of the **Statement to Respondent; Petition to Revoke Probation; Request for Discovery; Copy of Government Code Sections 11507.5, 11507.6, and 11507.7; and two copies of Notice of Defense** was enclosed in a second sealed envelope as first class mail in the internal mail collection system at the Office of the Attorney General at 300 South Spring Street, Suite 1702, Los Angeles, CA 90013, addressed as follows:

**Symar Enterprises Inc.  
dba Purrfect Auto Service  
Suneeta Syal, President  
11600 South St.  
Artesia, CA 90701**

Certified Mail No.  
9414 7266 9904 2013 5907 95

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on April 16, 2015, at Los Angeles, California.

H. Gaviola  
Declarant

  
Signature

9414 7266 9904 2013 5907 95

**TO:**  
Symar Enterprises Inc  
dba Purrfect Auto Service  
Suneeta Syal, President  
11600 South St.  
Artesia, CA 90701

**SENDER:** Nancy A. Kaiser

**REFERENCE:** LA2014513106

PS Form 3800, January 2005

RETURN RECEIPT SERVICE	Postage	
	Certified Fee	
	Return Receipt Fee	
	Restricted Delivery	
	Total Postage & Fees	

**USPS®**  
**Receipt for**  
**Certified Mail®**

No Insurance Coverage Provided  
Do Not Use for International Mail

POSTMARK OR DATE

C

Thank you for using Return Receipt Service

RETURN RECEIPT REQUESTED  
USPS® MAIL CARRIER  
DETACH ALONG PERFORATION

2. Article Number



9414 7266 9904 2013 5907 95

3. Service Type **CERTIFIED MAIL\***

4. Restricted Delivery? (Extra Fee)  Yes

1. Article Addressed to:

Symar Enterprises Inc  
dba Purrfect Auto Service  
Sunceta Syal, President  
11600 South St.  
Artesia, CA 90701

LA2014513106 Pet.2 Rev.  
Nancy A. Kaiser

PS Form 3811, January 2005

Domestic Return Receipt

COMPLETETHIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

Agent  
 Addressee

X

D. Is delivery address different from item 1?  
If YES, enter delivery address below:

Yes  
 No

Thank you for using Return Receipt Service

To:

NANCY KAISER, DAG  
DEPARTMENT OF JUSTICE  
Office of the Attorney General  
300 South Spring Street, Suite 1702  
Los Angeles, CA 90013

ANK - ATTEMPTED RESIDENT  
NOT KNOWN



9414 7266 9904 2013 5907 95



PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF RETURN ADDRESS. FOLD AT DOTTED LINE

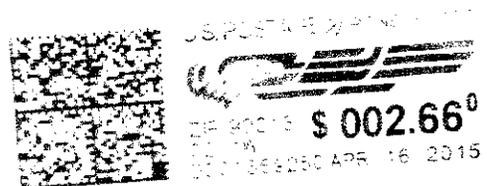
RETURN TO SENDER  
IF UNDELIVERABLE  
NO POSTAGE  
NECESSARY  
IF MAILED  
IN THE  
UNITED STATES

ANK

ATTORNEY GENERAL LOS ANGELES

2015 APR 27 11:14:53

RECEIVED



NANCY KAISER, DAG  
DEPARTMENT OF JUSTICE  
Office of the Attorney General  
300 South Spring Street, Suite 1702  
Los Angeles, CA 90013

To:

**Symar Enterprises Inc.**  
**dba Purrfect Auto Service**  
**Suneeta Syal, President**  
**11600 South St.**  
**Artesia, CA 90701**

NIXIE 907012509-1N 04/24/15

RETURN TO SENDER  
ATTEMPTED - NOT KNOWN  
UNABLE TO FORWARD  
RETURN TO SENDER

