

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

Received in BAR EPO

SEP 14 2015

In the Matter of the Accusation Against:

COMPLETE AUTO REPAIR & GLASS
ALBERT ANVIEH, OWNER
1253 North Golden State Blvd.
Turlock, CA 95380

Automotive Repair Dealer Reg. No.
ARD 254679

Case No. 77/14-55

OAH No. 2014120380

Respondent.

DECISION

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.

The suspension of Automotive Repair Dealer Registration No. ARD 254679, issued to Albert Anviah, shall commence on the effective date of this Decision.

This Decision shall become effective September 30, 2015.

DATED: September 9, 2015



TAMARA COLSON
Assistant General Counsel
Department of Consumer Affairs

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 GEOFFREY S. ALLEN
Deputy Attorney General
4 State Bar No. 193338
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-4455
Facsimile: (510) 622-2270
7 E-mail: Geoffrey.Allen@doj.ca.gov
Attorneys for Complainant

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

11
12 In the Matter of the Accusation Against:

Case No. 77/14-55

13 **COMPLETE AUTO REPAIR & GLASS**
ALBERT ANVIEH, OWNER
14 **1253 North Golden State Blvd.**
Turlock, CA 95380

OAH No. 2014120380

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 **Automotive Repair Dealer Reg. No. ARD**
16 **254679**

17 Respondent.

18
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 PARTIES

22 1. Patrick Dorais ("Complainant") is the Chief of the Bureau of Automotive Repair. He
23 brought this action solely in his official capacity and is represented in this matter by Kamala D.
24 Harris, Attorney General of the State of California, by Geoffrey S. Allen, Deputy Attorney
25 General.

26 ///

27 ///

1 CULPABILITY

2 9. Respondent admits the truth of each and every charge and allegation in the
3 Accusation.

4 10. Respondent agrees that his Registration is subject to discipline and he agrees to be
5 bound by the Director's probationary terms as set forth in the Disciplinary Order below.

6 CONTINGENCY

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

17 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
18 copies of this Stipulated Settlement and Disciplinary Order, including Portable Document Format
19 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

20 13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
21 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
22 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
23 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary
24 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
25 writing executed by an authorized representative of each of the parties.

26 14. In consideration of the foregoing admissions and stipulations, the parties agree that
27 the Director may, without further notice or formal proceeding, issue and enter the following
28 Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Automotive Repair Dealer Registration No. ARD 254679 issued to Respondent is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

1. **Actual Suspension.** Automotive Repair Dealer Registration No. ARD 254679 issued to Respondent is suspended for fifteen (15) days.

2. **Obey All Laws.** Comply with all statutes, regulations and rules governing automotive inspections, estimates and repairs.

3. **Post Sign.** Post a prominent sign, provided by the Bureau, indicating the beginning and ending dates of the suspension and indicating the reason for the suspension. The sign shall be conspicuously displayed in a location open to and frequented by customers and shall remain posted during the entire period of actual suspension.

4. **Reporting.** Respondent or Respondent's authorized representative must report in person or in writing as prescribed by the Bureau of Automotive Repair, on a schedule set by the Bureau, but no more frequently than each quarter, on the methods used and success achieved in maintaining compliance with the terms and conditions of probation.

5. **Report Financial Interest.** Within 30 days of the effective date of this action, report any financial interest which any partners, officers, or owners of the Respondent facility may have in any other business required to be registered pursuant to Section 9884.6 of the Business and Professions Code.

6. **Random Inspections.** Provide Bureau representatives unrestricted access to inspect all vehicles (including parts) undergoing repairs, up to and including the point of completion.

7. **Jurisdiction.** If an accusation is filed against Respondent during the term of probation, the Director shall have continuing jurisdiction over this matter until the final decision on the accusation, and the period of probation shall be extended until such decision.

8. **Violation of Probation.** Should the Director of Consumer Affairs determine that Respondent has failed to comply with the terms and conditions of probation, the Department may, after giving notice and opportunity to be heard, revoke the Registration.

1 9. **Cost Recovery.** Respondent shall pay the Bureau its costs of investigation and
2 enforcement of this case in the amount of \$38,797.03. Respondent shall be permitted to pay these
3 costs in twenty-four (24) consecutive, equal monthly installments. Payment to the Bureau of the
4 full amount of cost recovery shall be received no later than twelve (12) months before probation
5 terminates. Failure to complete payment of cost recovery within this time frame shall constitute a
6 violation of probation which may subject Respondent's Registration to outright revocation;
7 however, the Director or the Director's designee may elect to continue probation until such time
8 as reimbursement of the entire cost recovery amount has been made to the Bureau.

9 ///

10 ///

11 ///

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

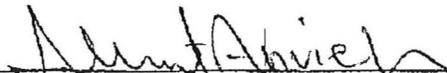
Att: Allen

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

ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Automotive Repair Dealer Registration. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of Consumer Affairs.

DATED: 5-7-15

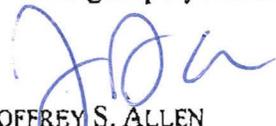

COMPLETE AUTO REPAIR & GLASS
ALBERT ANVIEH, OWNER
Respondent

ENDORSEMENT

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

Dated: 5/7/15

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
DIANN SOKOLOFF
Supervising Deputy Attorney General


GEOFFREY S. ALLEN
Deputy Attorney General
Attorneys for Complainant

SA2013113660
90508141.doc

Exhibit A

Accusation No. 77/14-55

1 KAMALA D. HARRIS
Attorney General of California
2 KENT D. HARRIS
Supervising Deputy Attorney General
3 GEOFFREY S. ALLEN
Deputy Attorney General
4 State Bar No. 193338
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5341
Facsimile: (916) 327-8643
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 Accusation Against:

Case No. 77/14-55

13 **COMPLETE AUTO REPAIR & GLASS**
14 **ALBERT ANVIEH, OWNER**
1253 North Golden State Blvd.
Turlock, CA 95380

ACCUSATION

15 **Automotive Repair Dealer Reg. No. ARD 254679**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about May 1, 2008, the Director of Consumer Affairs ("Director") issued
23 Automotive Repair Dealer Registration Number ARD 254679 to Albert Anviah ("Respondent"),
24 owner of Complete Auto Repair & Glass. Respondent's automotive repair dealer registration
25 expired on January 31, 2013.

26 **JURISDICTION**

27 3. Business and Professions Code ("Code") section 9884.7 provides that the Director
28 may revoke an automotive repair dealer registration.

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

7. Code section 9884.9 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 . . .

(b) The automotive repair dealer shall include with the written estimated price a statement of any automotive repair service which, if required to be done, will be done by someone other than the dealer or his employees. No service shall be done by other than the dealer or his employees without the consent of the customer, unless the customer cannot reasonably be notified. The dealer shall be responsible, in any case, for any such service in the same manner as if he or his employees had done the service . . .

8. Code section 9884.7, subdivision (c), states, in pertinent part, that the Director may suspend, revoke, or place on probation 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 the laws and regulations pertaining to an automotive repair dealer.

9. Code section 22, subdivision (a), states:

“Board” as used in any provision of this Code, refers to the board in which the administration of the provision is vested, and unless otherwise expressly provided, shall include “bureau,” “commission,” “committee,” “department,” “division,” “examining committee,” “program,” and “agency.”

10. Code section 477, subdivision (b), states, in pertinent part, that a “license” includes “registration” and “certificate.”

///
///
///
///

1 11. California Code of Regulations, title 16, section ("Regulation") 3356 states, in
2 pertinent part:

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

5 (1) The invoice shall show the automotive repair dealer's registration
6 number . . .

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

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

11 (B) Each part supplied, in such a manner that the customer can
12 understand what was purchased, and the price for each described part . . .

13 12. Regulation 3366 states, in pertinent part:

14 (a) Except as provided in subsection (b) of this section, any automotive
15 repair dealer that advertises or performs, directly or through a sublet contractor,
16 automotive air conditioning work and uses the words service, inspection, diagnosis,
17 top off, performance check or any expression or term of like meaning in any form of
18 advertising or on a written estimate or invoice shall include and perform all of the
19 following procedures as part of that air conditioning work:

20 (15) High and low side system operating pressures, as applicable, have
21 been measured and recorded on the final invoice; and,

22 (16) The center air distribution outlet temperature has been measured and
23 recorded on the final invoice.

24 (b) Whenever the automotive air conditioning work being advertised or
25 performed does not involve opening the refrigerant portion of the air conditioning
26 system, refrigerant evacuation, or full or partial refrigerant recharge, the procedures
27 specified in subsection (a) need be performed only to the extent required by accepted
28 trade standards.

13. Regulation 3373 states:

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

///

1 cluster. Respondent told the representative that he did not have the cluster and was waiting for
2 Gregory to return to the facility before ordering the part. Later that same day, the representative
3 spoke with Gregory regarding the statement made by Respondent. Gregory denied that she had
4 been told to return to the facility to get the instrument cluster installed on the vehicle.

5 **FIRST CAUSE FOR DISCIPLINE**

6 **(Untrue or Misleading Statements)**

7 18. Respondent is subject to disciplinary action pursuant to Code section 9884.7,
8 subdivision (a)(1), in that Respondent made or authorized statements which he knew or in the
9 exercise of reasonable care should have known to be untrue or misleading, as follows:

10 a. Respondent represented on the invoice dated June 16, 2012, that a used instrument
11 cluster had been installed on Gregory's 1996 Volvo 850 when, in fact, that part had not been
12 installed on the vehicle.

13 b. Respondent represented on the invoice dated June 16, 2012, that the driver side door
14 lock on Gregory's 1996 Volvo 850 had been repaired when, in fact, that part had not been
15 repaired on the vehicle.

16 **SECOND CAUSE FOR DISCIPLINE**

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

18 19. Respondent is subject to disciplinary action pursuant to Code section 9884.7,
19 subdivision (a)(6), in that Respondent failed to comply with Regulation 3356 in the following
20 material respects:

21 a. **Subdivision (a)(1)**: Respondent failed to show his automotive repair dealer
22 registration number on the invoice dated June 16, 2012.

23 b. **Subdivisions (a)(2)(A) and (B)**: Respondent failed to list, describe or identify on the
24 invoice dated June 16, 2012 all repairs performed and each part supplied on Gregory's 1996
25 Volvo 850 in that Respondent indicated that an A/C service was performed, but did not list or
26 specify the labor and/or parts that were included in the service. Further, Respondent failed to list
27 the repair of the instrument cluster in the labor section of the invoice, and failed to list the price
28 for each service or repair performed on the vehicle.

1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Unauthorized Sublet of Automotive Repair Service)**

3 28. Respondent is subject to disciplinary action pursuant to Code section 9884.7,
4 subdivision (a)(9), in that Respondent sublet the transmission repairs on the 1999 Mercedes Benz
5 ML320 to Modesto European without the Davises' knowledge or consent.

6 **FOURTH CAUSE FOR DISCIPLINE**

7 **(Failure to Provide Customer with Copy of Signed Document)**

8 29. Respondent is subject to disciplinary action pursuant to Code section 9884.7,
9 subdivision (a)(3), in that Respondent failed to provide L. Davis with a copy of the repair order as
10 soon as she signed the document.

11 **FIFTH CAUSE FOR DISCIPLINE**

12 **(Violations of the Code)**

13 30. Respondent is subject to disciplinary action pursuant to Code section 9884.7,
14 subdivision (a)(6), in that Respondent failed to comply with Code section 9884.9, subdivision (a),
15 in a material respect, as follows: On or about August 19, 2012, Respondent failed to provide L.
16 Davis with a written estimate for parts and labor necessary for a specific job.

17 **UNDERCOVER OPERATION #1: 1993 HONDA**

18 31. On February 4, 2013, an employee of the Bureau, acting in an undercover capacity
19 ("operator"), took the Bureau's 1993 Honda to Respondent's facility. The #1 cylinder fuel
20 injector resistor on the Bureau-documented vehicle was defective, causing the malfunction
21 indicator light (MIL; also called the check engine light) to illuminate on the dashboard and a
22 diagnostic trouble code to set in the engine control module (ECM). The operator met with a male
23 individual and informed him that the vehicle was running rough and the check engine light was
24 illuminated. The male told the operator that it would cost \$50 for a diagnosis and that the \$50
25 would be applied towards any repairs that were needed. The male asked the operator to wait
26 about five minutes. Approximately 10 minutes later, the operator stated that she had to leave.
27 The male told the operator that so far, there was a problem with the cylinder, spark plugs, and
28 distributor, and that he would call her later with a definite diagnosis. The male had the operator

1 sign a repair order, but did not provide her with a copy. The operator paid the male \$50 and left
2 the facility.

3 32. At approximately 1510 hours that same day, Albert from Complete Auto Repair &
4 Glass left a voice mail message for the operator, requesting that she call him back. At
5 approximately 1600 hours, the operator called the facility and spoke with a male, who informed
6 her that the vehicle had computer electrical issues and that the total cost of the repairs would be
7 \$475. The operator authorized the work. The male stated that he would get a used computer
8 which was needed to correct the rough running problem and the check engine light on the vehicle.

9 33. On February 6, 2013, the operator returned to the facility to retrieve the vehicle and
10 met with a male, who identified himself as "Albert". Albert told the operator that he could not
11 find the repair order, so he wrote a new repair order in her presence. The operator signed the
12 repair order, paid Albert \$475 in cash, and received an invoice copy.

13 34. On February 8, 2013, the Bureau inspected the vehicle using the invoice for
14 comparison. The Bureau found that the #1 cylinder fuel injector resistor had been replaced;
15 however, the facility failed to repair the vehicle as invoiced and had not performed the repairs to
16 accepted trade standards.

17 **SIXTH CAUSE FOR DISCIPLINE**

18 **(Untrue or Misleading Statements)**

19 35. Respondent is subject to disciplinary action pursuant to Code section 9884.7,
20 subdivision (a)(1), in that Respondent made or authorized statements which he knew or in the
21 exercise of reasonable care should have known to be untrue or misleading, as follows:

22 a. Respondent or his agent, employee, and/or representative represented to the operator
23 that the Bureau's 1993 Honda had computer electrical issues and that he would obtain a used
24 computer for the vehicle, which was needed to correct the rough running problem and check
25 engine light. In fact, the only repair needed on the vehicle was the replacement of the defective
26 #1 cylinder fuel injector resistor.

27 b. Respondent represented on the invoice that an "igainter" was installed on the
28 Bureau's 1993 Honda. In fact, that part does not exist on the vehicle.

1 c. Respondent represented on the invoice that a "modul" was replaced on the Bureau's
2 1993 Honda. In fact, the ECM was not replaced on the vehicle.

3 **SEVENTH CAUSE FOR DISCIPLINE**

4 **(Failure to Provide Customer with Copy of Signed Document)**

5 36. Respondent is subject to disciplinary action pursuant to Code section 9884.7,
6 subdivision (a)(3), in that on or about February 4, 2013, Respondent or his agent, employee
7 and/or representative failed to provide the operator with a copy of the repair order as soon as she
8 signed the document.

9 **EIGHTH CAUSE FOR DISCIPLINE**

10 **(Fraud)**

11 37. Respondent is subject to disciplinary action pursuant to Code section 9884.7,
12 subdivision (a)(4), in that Respondents committed acts constituting fraud, as follows:

13 a. Respondent obtained payment from the operator for installing an "igainter" on the
14 Bureau's 1993 Honda. In fact, that part does not exist on the vehicle.

15 b. Respondent obtained payment from the operator for replacing a "modul" on the
16 Bureau's 1993 Honda. In fact, the ECM was not replaced on the vehicle.

17 **NINTH CAUSE FOR DISCIPLINE**

18 **(Departure from Trade Standards)**

19 38. Respondent is subject to disciplinary action pursuant to Code section 9884.7,
20 subdivision (a)(7), in that Respondent willfully departed from or disregarded accepted trade
21 standards for good and workmanlike repair without the consent of the owner or the owner's duly
22 authorized representative, in a material respect, as follows: Respondent failed to erase the
23 diagnostic trouble code from the ECM after repairing the Bureau's 1993 Honda.

24 ///

25 ///

26 ///

27 ///

28 ///

1 **TENTH CAUSE FOR DISCIPLINE**

2 **(Violations of the Code)**

3 39. Respondent is subject to disciplinary action pursuant to Code section 9884.7,
4 subdivision (a)(6), in that Respondent failed to comply with provisions of that Code in the
5 following material respects:

6 a. **9884.6, subdivision (a)**: Respondent performed automotive repairs on the Bureau's
7 1993 Honda when his automotive repair dealer registration was expired or invalid.

8 b. **9884.9, subdivision (a)**: Respondent failed to provide the operator with a written
9 estimate for the diagnosis of the running rough condition and the check engine light on the
10 Bureau's 1993 Honda. Further, Respondent failed to document on the invoice the operator's
11 authorization for the additional repairs on the vehicle, the installation of the used computer.

12 **ELEVENTH CAUSE FOR DISCIPLINE**

13 **(Violations of the Regulations)**

14 40. Respondent is subject to disciplinary action pursuant to Code section 9884.7,
15 subdivision (a)(6), in that Respondent failed to comply with Regulation 3356, in the following
16 material respects:

17 a. **Subdivision (a)(1)**: Respondent failed to show his automotive repair dealer
18 registration number on the invoice.

19 b. **Subdivision (a)(2)(B)**: Respondent failed to list, describe or identify on the invoice
20 each part supplied on the Bureau's 1993 Honda in such a manner that the customer (operator) can
21 understand what was purchased, as set forth in subparagraph 37 (a) above.

22 **UNDERCOVER OPERATION #2: 1998 TOYOTA**

23 41. On April 10, 2013, an employee of the Bureau, acting in an undercover capacity
24 ("operator"), took the Bureau's 1998 Toyota to Respondent's facility. The #4 cylinder fuel
25 injector on the Bureau-documented vehicle was defective. The operator told a male individual
26 that the vehicle was running rough and the check engine light was illuminated. The male started
27 the vehicle and acknowledged that the check engine light was on. The operator asked the male if
28 he could fix the problem and he said "yes". The male went with the operator into the office, then

1 had the operator write his name and telephone number on a business card. Another male
2 individual walked into the office. The operator took a business card from the counter and saw the
3 name "Albert" printed on the card. The operator asked the male individual if he was Albert and
4 he said "yes". The operator asked Albert to call him when he found the problem with the vehicle.
5 The operator left the facility.

6 42. At approximately 1025 hours that same day, the operator received a call from Albert,
7 informing him that the vehicle had a misfire and needed a complete tune up. The operator
8 authorized the work. Albert stated that the vehicle also needed a timing belt, water pump, and
9 valve cover gaskets and that the total cost of the repairs would be \$700. Albert told the operator
10 that he needed to come to the shop to sign certain paperwork and requested \$500 in advance for
11 the repairs. Albert asked the operator if he wanted factory spark plugs, and the operator told him
12 to install whatever he thought was best. Albert stated that factory spark plugs were better because
13 they last 100,000 miles.

14 43. At approximately 1250 hours, the operator went to the facility. Albert told the
15 operator that the vehicle had a misfire from a bad #4 injector and that the repairs would cost a
16 total of \$800. Albert also stated that the timing belt replacement could wait, but he would still
17 check it out and replace it if needed. Albert had the operator sign a repair order and gave him a
18 copy. The operator paid Albert \$500 in cash and left the facility.

19 44. On April 12, 2013, at approximately 1040 hours, the operator returned to the facility.
20 Albert told the operator that the repairs cost a total of \$360.44. Albert stated that the tune up and
21 timing belt were not needed since the spark plugs were new and the timing belt was still good,
22 and that he only replaced the fuel injector. The operator observed Albert cross out the
23 descriptions tune up, timing belt, and water pump on the work order. Albert told the operator that
24 he would give him a check for \$139.56, the amount remaining on the \$500 deposit. The operator
25 stated that he could not take a check and requested cash. Albert told the operator that he did not
26 have cash at the moment and asked him to return between 1500 and 1600 hours. The operator left
27 the facility, but returned at approximately 1400 hours. Albert gave the operator \$140 in cash and

28 ///

1 an invoice. The invoice stated, "All parts new unless specified: u-used, r-rebuilt, re-
2 reconditioned".

3 45. On April 18, 2013, the Bureau inspected the vehicle using the invoice for comparison.
4 The Bureau found that the #4 fuel injector had been replaced; however, the facility failed to repair
5 the vehicle as invoiced.

6 **TWELFTH CAUSE FOR DISCIPLINE**

7 **(Untrue or Misleading Statements)**

8 46. Respondent is subject to disciplinary action pursuant to Code section 9884.7,
9 subdivision (a)(1), in that Respondent made or authorized a statement which he knew or in the
10 exercise of reasonable care should have known to be untrue or misleading, as follows:
11 Respondent represented on the invoice that a new "ingator" or fuel injector was installed on the
12 Bureau's 1998 Toyota when, in fact, a used fuel injector was installed on the vehicle.

13 **THIRTEENTH CAUSE FOR DISCIPLINE**

14 **(Failure to Record Odometer Reading)**

15 47. Respondent is subject to disciplinary action pursuant to Code section 9884.7,
16 subdivision (a)(2), in that Respondent caused or allowed the operator to sign the work order
17 which did not state the odometer reading of the Bureau's 1998 Toyota.

18 **FOURTEENTH CAUSE FOR DISCIPLINE**

19 **(Fraud)**

20 48. Respondent is subject to disciplinary action pursuant to Code section 9884.7,
21 subdivision (a)(4), in that Respondent committed an act constituting fraud, as follows:
22 Respondent obtained payment from the operator for installing a new fuel injector on the Bureau's
23 1998 Toyota when, in fact, a used fuel injector was installed on the vehicle.

24 ///

25 ///

26 ///

27 ///

28 ///

1 **FIFTEENTH CAUSE FOR DISCIPLINE**

2 **(Violations of the Code)**

3 49. Respondent is subject to disciplinary action pursuant to Code section 9884.7,
4 subdivision (a)(6), in that Respondent failed to comply with provisions of that Code in the
5 following material respects:

6 a. **9884.6, subdivision (a)**: Respondent performed automotive repairs on the Bureau's
7 1998 Toyota when his automotive repair dealer registration was expired or invalid.

8 b. **9884.9, subdivision (a)**: Respondent failed to document on the invoice the operator's
9 authorization for the additional repairs on the vehicle, the replacement of the #4 cylinder fuel
10 injector.

11 **SIXTEENTH CAUSE FOR DISCIPLINE**

12 **(Violations of the Regulations)**

13 50. Respondent is subject to disciplinary action pursuant to Code section 9884.7,
14 subdivision (a)(6), in that Respondent failed to comply with Regulation 3356, subdivision (a)(1),
15 in a material respect, as follows: Respondent failed to show his automotive repair dealer
16 registration number on the invoice.

17 **UNDERCOVER OPERATION #3: 1997 CHEVROLET**

18 51. On May 7, 2013, the Bureau employee involved in the first undercover operation
19 ("operator") took the Bureau's 1997 Chevrolet to Respondent's facility. A defective A/C relay
20 had been installed on the Bureau-documented vehicle, preventing the A/C system from operating.
21 The operator met with a male individual and asked to speak with Albert. When Albert came
22 inside the office area, the operator asked him if he remembered her from the computer repair he
23 had performed on her Honda. Albert indicated that he remembered the operator. The operator
24 told Albert that she had her daughter's vehicle and that her daughter had complained about the
25 A/C system. Albert asked the operator if the A/C was blowing hot air, and the operator said yes.
26 The operator asked Albert if he could check it out and he stated yes. The operator told Albert that
27 a friend was coming to pick her up right away, and asked him if he could call and let her know
28 what was wrong with the vehicle. Albert had the operator sign a work order. Albert had written

1 in the license plate number of the vehicle, but had not recorded the repair requested by the
2 operator or any other information pertaining to the vehicle. Albert also did not give the operator a
3 copy of the work order or a written estimate. The operator left the facility.

4 52. At approximately 1650 hours that same day, the operator called the facility and spoke
5 with Albert. Albert told the operator that he had serviced the A/C system and repaired some
6 electrical issues. Albert stated that the repairs cost a total of \$160, but offered to deduct \$20 from
7 the price if she paid for the work in cash.

8 53. On May 8, 2013, the operator returned to the facility to retrieve the vehicle, paid
9 Albert \$140 in cash, and received a yellow or invoice copy of the work order she had signed
10 previously. That same day, the Bureau inspected the vehicle using the invoice for comparison
11 and found that the defective A/C relay had been replaced on the vehicle, although that repair was
12 not recorded on the invoice. The Bureau also found that the facility had performed unnecessary
13 repairs on the vehicle, an A/C service and the addition of one pound of Freon to the A/C system.

14 **SEVENTEENTH CAUSE FOR DISCIPLINE**

15 **(Failure to Record Odometer Reading)**

16 54. Respondent is subject to disciplinary action pursuant to Code section 9884.7,
17 subdivision (a)(2), in that Respondent caused or allowed the operator to sign the work order
18 which did not state the odometer reading of the Bureau's 1997 Chevrolet or the repairs requested
19 by the operator, the check or diagnosis of the A/C system.

20 **EIGHTEENTH CAUSE FOR DISCIPLINE**

21 **(Failure to Provide Customer with Copy of Signed Document)**

22 55. Respondent is subject to disciplinary action pursuant to Code section 9884.7,
23 subdivision (a)(3), in that Respondent failed to provide the operator with a copy of the work order
24 as soon as she signed the document.

25 **NINETEENTH CAUSE FOR DISCIPLINE**

26 **(Departure from Trade Standards)**

27 56. Respondent is subject to disciplinary action pursuant to Code section 9884.7,
28 subdivision (a)(7), in that Respondent willfully departed from or disregarded accepted trade

1 standards for good and workmanlike repair without the consent of the owner or the owner's duly
2 authorized representative in the following material respects:

3 a. Respondent failed to record on the invoice the high and low side system operating
4 pressures of the A/C system on the Bureau's 1997 Chevrolet, as required by Regulation 3366,
5 subdivision (a)(15).

6 b. Respondent failed to record on the invoice the center air distribution outlet
7 temperature of the A/C system on the Bureau's 1997 Chevrolet, as required by Regulation 3366,
8 subdivision (a)(16).

9 **TWENTIETH CAUSE FOR DISCIPLINE**

10 **(Violations of the Code)**

11 57. Respondent is subject to disciplinary action pursuant to Code section 9884.7,
12 subdivision (a)(6), in that Respondent failed to comply with provisions of that Code in the
13 following material respects:

14 a. **9884.6, subdivision (a)**: Respondent performed automotive repairs on the Bureau's
15 1997 Chevrolet when his automotive repair dealer registration was expired or invalid.

16 b. **9884.9, subdivision (a)**: Respondent failed to provide the operator with a written
17 estimate for the check of the A/C system on the Bureau's 1997 Chevrolet. Further, Respondent
18 serviced and added one pound of Freon to the A/C system when, in fact, those repairs or services
19 were not authorized by the operator or necessary on the vehicle.

20 **TWENTY-FIRST CAUSE FOR DISCIPLINE**

21 **(Violations of the Regulations)**

22 58. Respondent is subject to disciplinary action pursuant to Code section 9884.7,
23 subdivision (a)(6), in that Respondent failed to comply with Regulation 3356, in the following
24 material respects:

25 a. **Subdivision (a)(1)**: Respondent failed to show his automotive repair dealer
26 registration number on the invoice.

27 ///

28 ///

