

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 GREGORY TUSS
Deputy Attorney General
4 State Bar No. 200659
1515 Clay Street, 20th Floor
5 Post Office Box 70550
Oakland, California 94612-0550
6 Telephone: (510) 622-2143
Facsimile: (510) 622-2270
7 *Attorneys for Complainant*

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:

Case No.

77/16-05

A C C U S A T I O N

12 **ANTHONY AND JOANN FANTICOLA,**
13 **Family Limited Partnership (FLP),**
14 **Member MC LLC**
15 **1422 Edinger Avenue, Suite 150**
Tustin, California 92780

16 **dba Jiffy Lube #1802**
17 **640 Whipple Avenue**
Redwood City, California 94063
Automotive Repair Dealer Registration No. ARD 256399

18 **dba Jiffy Lube #2333**
19 **1902 North Capitol Avenue**
San Jose, California 95132
20 **Automotive Repair Dealer Registration No. ARD 256340**

21 **dba Jiffy Lube #2344**
22 **3606 Camden Avenue**
San Jose, California 95124
Automotive Repair Dealer Registration No. ARD 256343

23 **dba Jiffy Lube #2321**
24 **3363 Mount Diablo Boulevard**
Lafayette, California 94549
25 **Automotive Repair Dealer Registration No. ARD 256338**

26 **dba Jiffy Lube #1947**
27 **701 1st Street**
Gilroy, California 95020
Automotive Repair Dealer Registration No. ARD 264443

28 ///

1 dba Jiffy Lube #1328
3497 Stevens Creek Boulevard
2 San Jose, California 95117
Automotive Repair Dealer Registration No. ARD 256325
3
4 dba Jiffy Lube #296
1580 El Camino Real
San Bruno, California 94066
5 Automotive Repair Dealer Registration No. ARD 256311
6
7 dba Jiffy Lube #1151
407 South Delaware Street
San Mateo, California 94402
Automotive Repair Dealer Registration No. ARD 256321
8
9 dba Jiffy Lube #1349
2030 Van Ness Avenue
San Francisco, California 94109
10 Automotive Repair Dealer Registration No. ARD 256327
11
12 dba Jiffy Lube #606
2492 Castro Valley Boulevard
Castro Valley, California 94546
Automotive Repair Dealer Registration No. ARD 256314
13
14 dba Jiffy Lube #1404
153 West Jackson Street
Hayward, California 94544
15 Automotive Repair Dealer Registration No. ARD 256329
16
17 dba Jiffy Lube #1347
6099 Geary Boulevard
San Francisco, California 94121
Automotive Repair Dealer Registration No. ARD 256326
18
19 dba Jiffy Lube #2342
1141 El Camino Real
Mountain View, California 94040
20 Automotive Repair Dealer Registration No. ARD 256363
21
22 dba Jiffy Lube #610
1030 El Camino Real
San Carlos, California 94070
Automotive Repair Dealer Registration No. ARD 256316
23
24 dba Jiffy Lube #608
2517 South El Camino Real
San Mateo, California 94403
25 Automotive Repair Dealer Registration No. ARD 256315
26
27 dba Jiffy Lube #889
960 University Avenue
Berkeley, California 94710
Automotive Repair Dealer Registration No. ARD 256319
28

1 dba Jiffy Lube #655
2 374 Miller Avenue
3 Mill Valley, California 94941
4 Automotive Repair Dealer Registration No. ARD 256317
5
6 dba Jiffy Lube #1403
7 2099 Camino Ramon
8 San Ramon, California 94583
9 Automotive Repair Dealer Registration No. ARD 256328
10
11 dba Jiffy Lube #1054
12 530 San Ramon Valley Boulevard
13 Danville, California 94526
14 Automotive Repair Dealer Registration No. ARD 256320
15
16 dba Jiffy Lube #803
17 4300 Sonoma Boulevard
18 Vallejo, California 94589
19 Automotive Repair Dealer Registration No. ARD 256318
20
21 dba Jiffy Lube #1405
22 1219 Concord Avenue
23 Concord, California 94520
24 Automotive Repair Dealer Registration No. ARD 256330
25
26 dba Jiffy Lube #510
27 4500 Clayton Road
28 Concord, California 94521
Automotive Repair Dealer Registration No. ARD 256313

dba Jiffy Lube #2335
2190 North Broadway
Walnut Creek, California 94596
Automotive Repair Dealer Registration No. ARD 256341

dba Jiffy Lube #1283
4201 Middlefield Road
Palo Alto, California 94303
Automotive Repair Dealer Registration No. ARD 256439

dba Jiffy Lube #1166
39197 Cedar Boulevard
Newark, California 94560
Automotive Repair Dealer Registration No. ARD 256437

dba Jiffy Lube #2339
2795 El Camino Real
Santa Clara, California 95051
Automotive Repair Dealer Registration No. ARD 256342

dba Jiffy Lube #2345
884 Blossom Hill Road
San Jose, California 95123
Automotive Repair Dealer Registration No. ARD 256344

1 dba Jiffy Lube #2350
2 2415 Fremont Street
3 Monterey, California 93940
4 Automotive Repair Dealer Registration No. ARD 256349
5
6 dba Jiffy Lube #2352
7 6305 Jarvis Avenue
8 Newark, California 94560
9 Automotive Repair Dealer Registration No. ARD 256346
10
11 dba Jiffy Lube #1297
12 4195 El Camino Real
13 Palo Alto, California 94306
14 Automotive Repair Dealer Registration No. ARD 256362
15
16 dba Jiffy Lube #2351
17 865 Abrego Street
18 Monterey, California 93940
19 Automotive Repair Dealer Registration No. ARD 256364
20
21 dba Jiffy Lube #1300
22 2940 Bowers Avenue
23 Santa Clara, California 95051
24 Automotive Repair Dealer Registration No. ARD 256324
25
26 dba Jiffy Lube #295
27 999 West El Camino Real
28 Sunnyvale, California 94087
Automotive Repair Dealer Registration No. ARD 256310

16 dba Jiffy Lube #2355
17 19480 Stevens Creek Boulevard
18 Cupertino, California 95014
19 Automotive Repair Dealer Registration No. ARD 256347
20
21 dba Jiffy Lube #2346
22 1030 Saratoga Avenue
23 San Jose, California 95129
24 Automotive Repair Dealer Registration No. ARD 256345
25
26 dba Jiffy Lube #297
27 1387 Camden Avenue
28 Campbell, California 95008
Automotive Repair Dealer Registration No. ARD 256312

24 dba Jiffy Lube #2332
25 2302 Almaden Road
26 San Jose, California 95125
27 Automotive Repair Dealer Registration No. ARD 256339
28
26 dba Jiffy Lube #1053
27 27240 La Paz Road
28 Mission Viejo, California 92692
Automotive Repair Dealer Registration No. ARD 254482

1 dba Jiffy Lube #361
2 4143 Riverside Drive
3 Chino, California 91710
4 Automotive Repair Dealer Registration No. ARD 254485
5
6 dba Jiffy Lube #1991
7 13970 Harbor Boulevard
8 Garden Grove, California 92843
9 Automotive Repair Dealer Registration No. ARD 254772
10
11 dba Jiffy Lube #1988
12 3080 Main Street
13 Irvine, California 92614
14 Automotive Repair Dealer Registration No. ARD 254773
15
16 dba Jiffy Lube #1856
17 8777 Irvine Center Drive
18 Irvine, California 92618
19 Automotive Repair Dealer Registration No. ARD 254774
20
21 dba Jiffy Lube #1598
22 23041 Antonio Parkway
23 Rancho Santa Margarita, California 92688
24 Automotive Repair Dealer Registration No. ARD 254775
25
26 dba Jiffy Lube #1532
27 16751 Yorba Linda Boulevard
28 Yorba Linda, California 92886
Automotive Repair Dealer Registration No. ARD 254776

dba Jiffy Lube #1406
3087 Edinger Avenue
Tustin, California 92780
Automotive Repair Dealer Registration No. ARD 254777

dba Jiffy Lube #2716
2845 South Diamond Bar Boulevard
Diamond Bar, California 91765
Automotive Repair Dealer Registration No. ARD 256365

dba Jiffy Lube # 1858
9032 Adams Avenue
Huntington Beach, California 92646
Automotive Repair Dealer Registration No. ARD 259001

dba Jiffy Lube #1339
27832 Aliso Creek Road
Aliso Viejo, California 92656
Automotive Repair Dealer Registration No. ARD 254507

dba Jiffy Lube #1299
403 Saratoga Avenue
San Jose, California 95129
Automotive Repair Dealer Registration No. ARD 256323

1 dba Jiffy Lube #1158
15015 Hesperian Boulevard
San Leandro, California 94578
2 Automotive Repair Dealer Registration No. ARD 256322

3 dba Jiffy Lube #1287
13870 Peyton Drive
4 Chino Hills, California 91709
Automotive Repair Dealer Registration No. ARD
5 254481,

6 Respondents.
7

8
9 Complainant Patrick Dorais alleges:

10 **PARTIES**

11 1. Complainant brings this accusation solely in his official capacity as the Chief of
12 the Bureau of Automotive Repair (Bureau), Department of Consumer Affairs.

13 2. The Bureau issued the following automotive repair dealer registration numbers to
14 respondents Anthony and Joann Fanticola, Family Limited Partership (FLP), Member MC LLC:

15 A. Automotive Repair Dealer Registration No. ARD 256399 was issued on
16 October 9, 2008, to respondents dba Jiffy Lube #1802. It was in full force and effect at all times
17 relevant to the charges brought in this accusation and will expire on September 30, 2015, unless
18 renewed.

19 B. Automotive Repair Dealer Registration No. ARD 256340 was issued on
20 October 6, 2008, to respondents dba Jiffy Lube #2333. It was in full force and effect at all times
21 relevant to the charges brought in this accusation and will expire on October 31, 2015, unless
22 renewed.

23 C. Automotive Repair Dealer Registration No. ARD 256343 was issued on
24 October 6, 2008, to respondents dba Jiffy Lube #2344. It was in full force and effect at all times
25 relevant to the charges brought in this accusation and will expire on October 31, 2015, unless
26 renewed.

27 D. Automotive Repair Dealer Registration No. ARD 256338 was issued on
28 October 6, 2008, to respondents dba Jiffy Lube #2321. It was in full force and effect at all times

1 relevant to the charges brought in this accusation and will expire on October 31, 2015, unless
2 renewed.

3 E. Automotive Repair Dealer Registration No. ARD 264443 was issued on
4 March 24, 2011, to respondents dba Jiffy Lube #1947. It was in full force and effect at all times
5 relevant to the charges brought in this accusation and will expire on March 31, 2016, unless
6 renewed.

7 F. Automotive Repair Dealer Registration No. ARD 256325 was issued on
8 October 2, 2008, to respondents dba Jiffy Lube #1328. It was in full force and effect at all times
9 relevant to the charges brought in this accusation and will expire on September 30, 2015, unless
10 renewed.

11 G. Automotive Repair Dealer Registration No. ARD 256311 was issued on
12 October 2, 2008, to respondents dba Jiffy Lube #296. It was in full force and effect at all times
13 relevant to the charges brought in this accusation and will expire on September 30, 2015, unless
14 renewed.

15 H. Automotive Repair Dealer Registration No. ARD 256321 was issued on
16 October 2, 2008, to respondents dba Jiffy Lube #1151. It was in full force and effect at all times
17 relevant to the charges brought in this accusation and will expire on September 30, 2015, unless
18 renewed.

19 I. Automotive Repair Dealer Registration No. ARD 256327 was issued on
20 October 2, 2008, to respondents dba Jiffy Lube #1349. It was in full force and effect at all times
21 relevant to the charges brought in this accusation and will expire on September 30, 2015, unless
22 renewed.

23 J. Automotive Repair Dealer Registration No. ARD 256314 was issued on or
24 about October 2, 2008, to respondents dba Jiffy Lube #606. It was in full force and effect at all
25 times relevant to the charges brought in this accusation and will expire on September 30, 2015,
26 unless renewed.

27 K. Automotive Repair Dealer Registration No. ARD 256329 was issued on
28 October 2, 2008, to respondents dba Jiffy Lube #1404. It was in full force and effect at all times

1 relevant to the charges brought in this accusation and will expire on September 30, 2015, unless
2 renewed.

3 L. Automotive Repair Dealer Registration No. ARD 256326 was issued on
4 October 2, 2008, to respondents dba Jiffy Lube #1347. It was in full force and effect at all times
5 relevant to the charges brought in this accusation and will expire on September 30, 2015, unless
6 renewed.

7 M. Automotive Repair Dealer Registration No. ARD 256363 was issued on
8 October 7, 2008, to respondents dba Jiffy Lube #2342. It was in full force and effect at all times
9 relevant to the charges brought in this accusation and will expire on October 31, 2015, unless
10 renewed.

11 N. Automotive Repair Dealer Registration No. ARD 256316 was issued on
12 October 2, 2008, to respondents dba Jiffy Lube #610. It was in full force and effect at all times
13 relevant to the charges brought in this accusation and will expire on September 30, 2015, unless
14 renewed.

15 O. Automotive Repair Dealer Registration No. ARD 256315 was issued on
16 October 2, 2008, to respondents dba Jiffy Lube #608. It was in full force and effect at all times
17 relevant to the charges brought in this accusation and will expire on September 30, 2015, unless
18 renewed.

19 P. Automotive Repair Dealer Registration No. ARD 256319 was issued on
20 October 2, 2008, to respondents dba Jiffy Lube #889. It was in full force and effect at all times
21 relevant to the charges brought in this accusation and will expire on September 30, 2015, unless
22 renewed.

23 Q. Automotive Repair Dealer Registration No. ARD 256317 was issued on
24 October 2, 2008, to respondents dba Jiffy Lube #655. It was in full force and effect at all times
25 relevant to the charges brought in this accusation and will expire on September 30, 2015, unless
26 renewed.

27 R. Automotive Repair Dealer Registration No. ARD 256328 was issued on
28 October 2, 2008, to respondents dba Jiffy Lube #1403. It was in full force and effect at all times

1 relevant to the charges brought in this accusation and will expire on September 30, 2015, unless
2 renewed.

3 S. Automotive Repair Dealer Registration No. ARD 256320 was issued on
4 October 2, 2008, to respondents dba Jiffy Lube #1054. It was in full force and effect at all times
5 relevant to the charges brought in this accusation and will expire on September 30, 2015, unless
6 renewed.

7 T. Automotive Repair Dealer Registration No. ARD 256318 was issued on
8 October 2, 2008, to respondents dba Jiffy Lube #803. It was in full force and effect at all times
9 relevant to the charges brought in this accusation and will expire on September 30, 2015, unless
10 renewed.

11 U. Automotive Repair Dealer Registration No. ARD 256330 was issued on
12 October 2, 2008, to respondents dba Jiffy Lube #1405. It was in full force and effect at all times
13 relevant to the charges brought in this accusation and will expire on September 30, 2015, unless
14 renewed.

15 V. Automotive Repair Dealer Registration No. ARD 256313 was issued on
16 October 2, 2008, to respondents dba Jiffy Lube #510. It was in full force and effect at all times
17 relevant to the charges brought in this accusation and will expire on September 30, 2015, unless
18 renewed.

19 W. Automotive Repair Dealer Registration No. ARD 256341 was issued on
20 October 6, 2008, to respondents dba Jiffy Lube #2335. It was in full force and effect at all times
21 relevant to the charges brought in this accusation and will expire on October 31, 2015, unless
22 renewed.

23 X. Automotive Repair Dealer Registration No. ARD 256439 was issued on
24 October 9, 2008, to respondents dba Jiffy Lube #1283. It was in full force and effect at all times
25 relevant to the charges brought in this accusation and will expire on September 30, 2015, unless
26 renewed.

27 Y. Automotive Repair Dealer Registration No. ARD 256437 was issued on
28 October 9, 2008, to respondents dba Jiffy Lube #1166. It was in full force and effect at all times

1 relevant to the charges brought in this accusation and will expire on September 30, 2015, unless
2 renewed.

3 Z. Automotive Repair Dealer Registration No. ARD 256342 was issued on
4 October 6, 2008, to respondents dba Jiffy Lube #2339. It was in full force and effect at all times
5 relevant to the charges brought in this accusation and will expire on October 31, 2015, unless
6 renewed.

7 AA. Automotive Repair Dealer Registration No. ARD 256344 was issued on
8 October 6, 2008, to respondents dba Jiffy Lube #2345. It was in full force and effect at all times
9 relevant to the charges brought in this accusation and will expire on October 31, 2015, unless
10 renewed.

11 AB. Automotive Repair Dealer Registration No. ARD 256349 was issued on
12 October 6, 2008, to respondents dba Jiffy Lube #2350. It was in full force and effect at all times
13 relevant to the charges brought in this accusation and will expire on October 31, 2015, unless
14 renewed.

15 AC. Automotive Repair Dealer Registration No. ARD 256346 was issued on
16 October 6, 2008, to respondents dba Jiffy Lube #2352. It was in full force and effect at all times
17 relevant to the charges brought in this accusation and will expire on October 31, 2015, unless
18 renewed.

19 AD. Automotive Repair Dealer Registration No. ARD 256362 was issued on
20 October 7, 2008, to respondents dba Jiffy Lube #1297. It was in full force and effect at all times
21 relevant to the charges brought in this accusation and will expire on September 30, 2015, unless
22 renewed.

23 AE. Automotive Repair Dealer Registration No. ARD 256364 was issued on
24 October 7, 2008, to respondents dba Jiffy Lube #2351. It was in full force and effect at all times
25 relevant to the charges brought in this accusation and will expire on October 31, 2015, unless
26 renewed.

27 AF. Automotive Repair Dealer Registration No. ARD 256324 was issued on
28 October 2, 2008, to respondents dba Jiffy Lube #1300. It was in full force and effect at all times

1 relevant to the charges brought in this accusation and will expire on September 30, 2015, unless
2 renewed.

3 AG. Automotive Repair Dealer Registration No. ARD 256310 was issued on
4 October 2, 2008, to respondents dba Jiffy Lube #295. It was in full force and effect at all times
5 relevant to the charges brought in this accusation and will expire on September 30, 2015, unless
6 renewed.

7 AH. Automotive Repair Dealer Registration No. ARD 256347 was issued on or
8 about October 6, 2008, to respondents dba Jiffy Lube #2355. It was in full force and effect at all
9 times relevant to the charges brought in this accusation and will expire on October 31, 2015,
10 unless renewed.

11 AI. Automotive Repair Dealer Registration No. ARD 256345 was issued on
12 October 6, 2008, to respondents dba Jiffy Lube #2346. It was in full force and effect at all times
13 relevant to the charges brought in this accusation and will expire on October 31, 2015, unless
14 renewed.

15 AJ. Automotive Repair Dealer Registration No. ARD 256312 was issued on
16 October 2, 2008, to respondents dba Jiffy Lube #297. It was in full force and effect at all times
17 relevant to the charges brought in this accusation and will expire on September 30, 2015, unless
18 renewed.

19 AK. Automotive Repair Dealer Registration No. ARD 256339 was issued on or
20 about October 6, 2008, to respondents dba Jiffy Lube #2332. It was in full force and effect at all
21 times relevant to the charges brought in this accusation and will expire on October 31, 2015,
22 unless renewed.

23 AL. Automotive Repair Dealer Registration No. ARD 254482 was issued on or
24 about April 15, 2008, to respondents dba Jiffy Lube #1053. It was in full force and effect at all
25 times relevant to the charges brought in this accusation and will expire on March 31, 2016, unless
26 renewed.

27 AM. Automotive Repair Dealer Registration No. ARD 254485 was issued on or
28 about April 15, 2008, to respondents dba Jiffy Lube #361. It was in full force and effect at all

1 times relevant to the charges brought in this accusation and will expire on March 31, 16, 2016,
2 unless renewed.

3 AN. Automotive Repair Dealer Registration No. ARD 254772 was issued on or
4 about May 8, 2008, to respondents dba Jiffy Lube #1991. It was in full force and effect at all
5 times relevant to the charges brought in this accusation and will expire on March 31, 2016, unless
6 renewed.

7 AO. Automotive Repair Dealer Registration No. ARD 254773 was issued on or
8 about May 8, 2008, to respondents dba Jiffy Lube #1988. It was in full force and effect at all
9 times relevant to the charges brought in this accusation and will expire on March 31, 2016, unless
10 renewed.

11 AP. Automotive Repair Dealer Registration No. ARD 254774 was issued on or
12 about May 8, 2008, to respondents dba Jiffy Lube #1856. It was in full force and effect at all
13 times relevant to the charges brought in this accusation and will expire on March 31, 2016, unless
14 renewed.

15 AQ. Automotive Repair Dealer Registration No. ARD 254775 was issued on or
16 about May 8, 2008, to respondents dba Jiffy Lube #1598. It was in full force and effect at all
17 times relevant to the charges brought in this accusation and will expire on March 31, 2016, unless
18 renewed.

19 AR. Automotive Repair Dealer Registration No. ARD 254776 was issued on or
20 about May 8, 2008, to respondents dba Jiffy Lube #1532. It was in full force and effect at all
21 times relevant to the charges brought in this accusation and will expire on March 31, 2016, unless
22 renewed.

23 AS. Automotive Repair Dealer Registration No. ARD 254777 was issued on or
24 about May 8, 2008, to respondents dba Jiffy Lube #1406. It was in full force and effect at all
25 times relevant to the charges brought in this accusation and will expire on March 31, 2016, unless
26 renewed.

27 AT. Automotive Repair Dealer Registration No. ARD 256365 was issued on or
28 about October 8, 2008, to respondents dba Jiffy Lube #2716. It was in full force and effect at all

1 times relevant to the charges brought in this accusation and will expire on March 31, 2016, unless
2 renewed.

3 AU. Automotive Repair Dealer Registration No. ARD 259001 was issued on or
4 about August 4, 2009, to respondents dba Jiffy Lube #1858. It was in full force and effect at all
5 times relevant to the charges brought in this accusation and will expire on August 31, 2015,
6 unless renewed.

7 AV. Automotive Repair Dealer Registration No. ARD 254507 was issued on or
8 about April 16, 2008, to respondents dba Jiffy Lube #1339. It was in full force and effect at all
9 times relevant to the charges brought in this accusation and will expire on March 31, 2016, unless
10 renewed.

11 AW. Automotive Repair Dealer Registration No. ARD 256323 was issued on or
12 about October 2, 2008, to respondents dba Jiffy Lube #1299. It was due to expire on September
13 30, 2013, but was cancelled on April 30, 2013. Automotive Repair Dealer Registration No. ARD
14 256323 is subject to reinstatement until September 30, 2016.

15 AX. Automotive Repair Dealer Registration No. ARD 256322 was issued on or
16 about October 2, 2008, to respondents dba Jiffy Lube #1158. It was in full force and effect at all
17 times relevant to the charges brought in this accusation and will expire on September 30, 2015,
18 unless renewed.

19 AY. Automotive Repair Dealer Registration No. ARD 254481 was issued on or
20 about April 15, 2008, to respondents dba Jiffy Lube #1287. It was in full force and effect at all
21 times relevant to the charges brought in this accusation and will expire on March 31, 2016, unless
22 renewed.

23 JURISDICTION

24 3. This accusation is brought before the Director of Consumer Affairs (Director) for
25 the Bureau under the authority of the following laws.

26 4. Business and Professions Code section 118, subdivision (b), states:

27 "The suspension, expiration, or forfeiture by operation of law of a license issued by a
28 board in the department, or its suspension, forfeiture, or cancellation by order of the board or by

1 order of a court of law, or its surrender without the written consent of the board, shall not, during
2 any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its
3 authority to institute or continue a disciplinary proceeding against the licensee upon any ground
4 provided by law or to enter an order suspending or revoking the license or otherwise taking
5 disciplinary action against the licensee on any such ground.”

6 5. Business and Professions Code section 9882, subdivision (a), states in part:

7 “There is in the Department of Consumer Affairs a Bureau of Automotive Repair under
8 the supervision and control of the director. The duty of enforcing and administering this chapter
9 is vested in the chief who is responsible to the director. The director may adopt and enforce those
10 rules and regulations that he or she determines are reasonably necessary to carry out the purposes
11 of this chapter and declaring the policy of the bureau, including a system for the issuance of
12 citations for violations of this chapter as specified in Section 125.9.”

13 6. Business and Professions Code section 9884.13 states:

14 “The expiration of a valid registration shall not deprive the director or chief of jurisdiction
15 to proceed with any investigation or disciplinary proceeding against an automotive repair dealer
16 or to render a decision invalidating a registration temporarily or permanently.”

17 7. Business and Professions Code section 9884.22, subdivision (a), states:

18 “Notwithstanding any other provision of law, the director may revoke, suspend, or deny at
19 any time any registration required by this article on any of the grounds for disciplinary action
20 provided in this article. The proceedings under this article shall be conducted in accordance with
21 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government
22 Code, and the director shall have all the powers granted therein.”

23 **STATUTORY AND REGULATORY PROVISIONS**

24 8. Business and Professions Code section 9884.7 states in part:

25 “(a) The director, where the automotive repair dealer cannot show there was a bona fide
26 error, may deny, suspend, revoke, or place on probation the registration of an automotive repair
27 dealer for any of the following acts or omissions related to the conduct of the business of the
28 automotive repair dealer, which are done by the automotive repair dealer or any automotive

1 technician, employee, partner, officer, or member of the automotive repair dealer.

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

5 ...

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

8 “(4) Any other conduct that constitutes fraud.

9 ...

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

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

15 9. Business and Professions Code section 9884.8 states:

16 “All work done by an automotive repair dealer, including all warranty work, shall be
17 recorded on an invoice and shall describe all service work done and parts supplied. Service work
18 and parts shall be listed separately on the invoice, which shall also state separately the subtotal
19 prices for service work and for parts, not including sales tax, and shall state separately the sales
20 tax, if any, applicable to each. If any used, rebuilt, or reconditioned parts are supplied, the invoice
21 shall clearly state that fact. If a part of a component system is composed of new and used, rebuilt
22 or reconditioned parts, that invoice shall clearly state that fact. The invoice shall include a
23 statement indicating whether any crash parts are original equipment manufacturer crash parts or
24 nonoriginal equipment manufacturer aftermarket crash parts. One copy of the invoice shall be
25 given to the customer and one copy shall be retained by the automotive repair dealer.”

26 10. Business and Professions Code section 9884.9, subdivision (a), states:

27 “The automotive repair dealer shall give to the customer a written estimated price for
28 labor and parts necessary for a specific job. No work shall be done and no charges shall accrue

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

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

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

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

19 “_____

20 “(signature or initials)”

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

23 11. Business and Professions Code section 17200 states:

24 “As used in this chapter, unfair competition shall mean and include any unlawful, unfair
25 or fraudulent business act or practice and unfair, deceptive, untrue or misleading advertising and
26 any act prohibited by Chapter 1 (commencing with Section 17500) of Part 3 of Division 7 of the
27 Business and Professions Code.”

28 ///

1 12. Business and Professions Code section 17500 states in part:

2 “It is unlawful for any person, firm, corporation or association, or any employee thereof
3 with intent directly or indirectly to dispose of real or personal property or to perform services,
4 professional or otherwise, or anything of any nature whatsoever or to induce the public to enter
5 into any obligation relating thereto, to make or disseminate or cause to be made or disseminated
6 before the public in this state, or to make or disseminate or cause to be made or disseminated
7 from this state before the public in any state, in any newspaper or other publication, or any
8 advertising device, or by public outcry or proclamation, or in any other manner or means
9 whatever, including over the Internet, any statement, concerning that real or personal property or
10 those services, professional or otherwise, or concerning any circumstance or matter of fact
11 connected with the proposed performance or disposition thereof, which is untrue or misleading,
12 and which is known, or which by the exercise of reasonable care should be known, to be untrue or
13 misleading, or for any person, firm, or corporation to so make or disseminate or cause to be so
14 made or disseminated any such statement as part of a plan or scheme with the intent not to sell
15 that personal property or those services, professional or otherwise, so advertised at the price
16 stated therein, or as so advertised.”

17 13. California Code of Regulations, title 16, section 3353, states in part:

18 “No work for compensation shall be commenced and no charges shall accrue without
19 specific authorization from the customer in accordance with the following requirements:

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

22 ...

23 “(c) Additional Authorization. Except as provided in subsection (f), the dealer shall
24 obtain the customer’s authorization before any additional work not estimated is done or parts not
25 estimated are supplied. This authorization shall be in written, oral, or electronic form, and shall
26 describe the additional repairs, parts, labor and the total additional cost.

27 “(1) If the authorization from the customer for additional repairs, parts, or labor in excess
28 of the written estimated price is obtained orally, the dealer shall also make a notation on the work

1 order and on the invoice of the date, time, name of the person authorizing the additional repairs,
2 and the telephone number called, if any, together with the specification of the additional repairs,
3 parts, labor and the total additional cost.”

4 14. California Code of Regulations, title 16, section 3356, states in part:

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

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

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

12 . . .

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

17 15. California Code of Regulations, title 16, section 3366, states:

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

23 “(1) Exposed hoses, tubing and connections are examined for damage or leaks;

24 “(2) The compressor and clutch, when accessible, are examined for damage, missing
25 bolts, missing hardware, broken housing and leaks;

26 “(3) The compressor is rotated to determine if it is seized or locked up;

27 “(4) Service ports are examined for missing caps, damaged threads and conformance with
28 labeling;

- 1 “(5) The condenser coil is examined for damage, restrictions or leaks;
- 2 “(6) The expansion device, if accessible, is examined for physical damage or leaks;
- 3 “(7) The accumulator receiver dryer and in-line filter have been checked for damage,
- 4 missing or loose hardware or leaks;
- 5 “(8) The drive belt system has been checked for damaged or missing pulleys or tensioners
- 6 and for proper belt routing, tension, alignment, excessive wear or cracking;
- 7 “(9) The fan clutch has been examined for leakage, bearing wear and proper operation;
- 8 “(10) The cooling fan has been checked for bent or missing blades;
- 9 “(11) Accessible electrical connections have been examined for loose, burnt, broken or
- 10 corroded parts;
- 11 “(12) The refrigerant in use has been identified and checked for contamination;
- 12 “(13) The system has been checked for leakage at a minimum of 50-PSI system pressure;
- 13 “(14) The compressor clutch, blower motor and air control doors have been checked for
- 14 proper operation;
- 15 “(15) High and low side system operating pressures, as applicable, have been measured
- 16 and recorded on the final invoice; and,
- 17 “(16) The center air distribution outlet temperature has been measured and recorded on the
- 18 final invoice.
- 19 “(b) Whenever the automotive air conditioning work being advertised or performed does
- 20 not involve opening the refrigerant portion of the air conditioning system, refrigerant evacuation,
- 21 or full or partial refrigerant recharge, the procedures specified in subsection (a) need be
- 22 performed only to the extent required by accepted trade standards.”
- 23 16. California Code of Regulations, title 16, section 3371, states in part:
- 24 “No dealer shall publish, utter, or make or cause to be published, uttered, or made any
- 25 false or misleading statement or advertisement which is known to be false or misleading, or
- 26 which by the exercise of reasonable care should be known to be false or misleading.”
- 27 17. California Code of Regulations, title 16, section 3373, states in part:
- 28 “No automotive repair dealer or individual in charge shall, in filling out an estimate,

1 invoice, or work order, or record required to be maintained by section 3340.15(f) of this chapter,
2 withhold therefrom or insert therein any statement or information which will cause any such
3 document to be false or misleading, or where the tendency or effect thereby would be to mislead
4 or deceive customers, prospective customers, or the public.”

5 **COST RECOVERY**

6 18. Section 125.3, subdivision (a), states in part:

7 “Except as otherwise provided by law, in any order issued in resolution of a disciplinary
8 proceeding before any board within the department or before the Osteopathic Medical Board
9 upon request of the entity bringing the proceedings, the administrative law judge may direct a
10 licentiate found to have committed a violation or violations of the licensing act to pay a sum not
11 to exceed the reasonable costs of the investigation and enforcement of the case.”

12 **FACTUAL BACKGROUNDS AND CAUSES FOR DISCIPLINE**

13 19. From May to September 2013, the Bureau conducted 38 undercover operations at
14 various Jiffy Lube locations.¹

15 **1. ARD 256399**

16 20. a. From May 20 to May 22, 2013, a Bureau representative inspected and
17 documented a 1996 Honda. As part of this extensive documented service procedure, the
18 representative ensured that the fluids, including the engine oil, were full.

19 b. On May 23, 2013, a Bureau undercover operator drove the car to Jiffy
20 Lube #1802, 640 Whipple Avenue, Redwood City, California. The operator asked for an oil
21 change. He was directed to the waiting area.

22 c. The operator signed an estimate but did not receive a copy.

23 d. After the services were completed, the operator received a copy of the
24 invoice which stated that the engine oil was one-half quart low on arrival at the station.

25 ///

26 _____
27 ¹ Two separate undercover operations occurred at the same location. Of the 38 undercover
28 operations, 1 resulted in no causes for discipline.

FIRST CAUSE FOR DISCIPLINE
Failure to Provide Copy of Signed Estimate
Business and Professions Code sections 9884.7, subdivision (a)(3), 9884.9, subdivision (a),
and California Code of Regulations, title 16, section 3353, subdivision (a)

21. The allegations in paragraph 20 are re-alleged and incorporated by reference as if fully set forth. Respondents have subjected Automotive Repair Dealer Registration No. ARD 256399 to discipline for failing to provide a copy of the estimate to the operator at the time he signed it and before a technician worked on the car (Bus. & Prof. Code, §§ 9884.7, subd. (a)(3), 9884.9, subd. (a); Cal. Code Regs., tit. 16, § 3353, subd. (a)).

SECOND CAUSE FOR DISCIPLINE
False or Misleading Records
California Code of Regulations, title 16, section 3373

22. The allegations in paragraph 20 are re-alleged and incorporated by reference as if fully set forth. Respondents have subjected Automotive Repair Dealer Registration No. ARD 256399 to discipline for issuing an invoice which stated that the engine oil was one-half quart low on arrival at the station (Cal. Code Regs., tit. 16, § 3373). In fact, the engine oil was full.

2. ARD 256340

23. a. From May 17 to May 21, 2013, a Bureau representative inspected and documented a 1997 Oldsmobile at 107,541 miles.² As part of this extensive documented service procedure, the representative lightly tinted the transmission fluid to simulate fluid in normal service. The transmission fluid still was a normal operating color and did not need to be changed.

b. The service manual recommends changing the transmission fluid and filter every 50,000 miles under severe use. Under normal use, the transmission fluid does not need to be changed. The fluid color should be dark red or dark brown. Fluid color alone does not indicate whether the fluid should be changed unless it is well outside normal operating color.

c. On May 23, 2013, a Bureau undercover operator drove the car to Jiffy

² At a documented service approximately 180 miles before, the representative installed a new transmission filter and gasket, and refilled the transmission with new fluid. He installed a tamper indicator on the pan.

1 Lube #2333, 1902 North Capital Avenue, San Jose, California. The mileage at the time was
2 107,561. The operator said he wanted an oil change and asked to use a coupon from the website.
3 He was directed to the waiting area.

4 d. After a short time, a service technician asked the operator when the
5 transmission fluid had been changed last. The operator said he did not remember. The technician
6 said that the fluid should be changed every 50,000 miles. The operator asked the technician to
7 check the fluid and tell him what the technician recommended because he was not sure if it
8 needed to be changed. The technician re-examined the car and told the operator that the
9 transmission fluid looked darker than normal and that it needed a fluid exchange. The technician
10 offered a discount on the service. The operator authorized the transmission fluid exchange.

11 e. The operator signed an estimate but did not receive a copy.

12 f. After the services were completed, the operator paid \$179.21 (after a
13 \$26.00 discount), including \$119.99 for the transmission fluid exchange.

14 g. The Bureau representative re-inspected the car on May 23, 2013, at
15 107,563 miles. The engine oil and oil filter had been changed. The transmission fluid had been
16 changed.

17 **THIRD CAUSE FOR DISCIPLINE**

18 **Untrue or Misleading Statements; Fraud; Unfair Competition**
19 **Business and Professions Code sections 9884.7, subdivision (a)(1), 9884.7, subdivision (a)(4),**
20 **17200, and 17500; and California Code of Regulations, title 16, section 3371**

21 24. The allegations in paragraph 23 are re-alleged and incorporated by reference as if
22 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
23 ARD 256340 to discipline for making untrue or misleading statements, fraud, and unfair
24 competition related to the car's transmission fluid (Bus. & Prof. Code, §§ 9884.7, subd. (a)(1),
25 9884.7, subd. (a)(4), 17200 & 17500; Cal. Code Regs., tit 16, § 3371). The technician said the
26 car's transmission fluid looked darker than normal and that it needed a fluid exchange. In fact,
the car's transmission fluid still was a normal operating color and did not need to be changed.

27 ///

FOURTH CAUSE FOR DISCIPLINE
Failure to Provide Copy of Signed Estimate
Business and Professions Code sections 9884.7, subdivision (a)(3), 9884.9, subdivision (a),
and California Code of Regulations, title 16, section 3353, subdivision (a)

25. The allegations in paragraph 23 are re-alleged and incorporated by reference as if fully set forth. Respondents have subjected Automotive Repair Dealer Registration No. ARD 256340 to discipline for failing to provide a copy of the estimate to the operator at the time he signed it and before a technician worked on the car (Bus. & Prof. Code, §§ 9884.7, subd. (a)(3), 9884.9, subd. (a); Cal. Code Regs., tit. 16, § 3353, subd. (a)).

3. ARD 256343

26. a. From May 21 to May 22, 2013, a Bureau representative inspected and documented a 1997 Honda with 113,446 miles. As part of this extensive documented service procedure, the representative filled the engine oil. He drained the car's transmission and refilled it with factory-authorized fluid, which is red in color. He replaced the fuel filter. The car drove normally and ran smoothly. The check engine light was off and the car's computer registered no service codes.

b. The service manual specifies changing transmission fluid every 30,000 miles or 24 months if the car is operated under severe conditions; it specifies changing transmission fluid every 90,000 miles or 72 months under normal conditions. It does not have a specification for performing an engine flush or a fuel flush. In fact, the manufacturer strongly recommends avoiding using any flush system on its vehicles.

c. On May 24, 2013, a Bureau undercover operator drove the car to Jiffy Lube #2344, 3606 Camden Avenue, San Jose, California. The mileage at the time was 113,453. The operator said he wanted an oil change. He was directed to the waiting area.

d. After a short time, a technician told the operator that the transmission fluid was brown, which meant that the additives had broken down. The technician recommended a transmission flush. He said if the transmission fluid was not changed, there would be friction in the gears and the transmission would start slipping. The technician offered a discount if the operator had the transmission flush performed. The operator authorized the transmission flush.

1 e. The technician then recommended an engine flush. He said that there were
2 engine deposits that could clog up the engine and affect acceleration. These deposits also could
3 damage the valves and cams, and eventually the driver would hear ticking in the motor. The
4 technician recommended this service every 30,000 miles. He said it would help with acceleration
5 and also increase fuel efficiency. He also said that he was recommending the engine flush
6 because the car's oil level was low on arrival at the station. He said he also would provide a
7 discount for that service. The operator authorized the engine flush.

8 f. The operator then signed an estimate which listed the car as a Toyota
9 Camry.

10 g. After the operator signed the estimate, the technician also recommended a
11 fuel system cleaning. The technician said that a fuel system cleaning would further increase the
12 car's fuel efficiency by cleaning out carbon that accumulated in the intake manifold. The
13 operator asked if there was a lot of carbon build-up in the engine; the technician said he could not
14 see it but he would guess there was if the service has never been performed. The technician said
15 that there should be a two to three miles per gallon increase with the fuel system cleaning, and
16 offered a discount for this service as well. The operator authorized the fuel system cleaning
17 service.

18 h. The operator signed a revised estimate which did not list the fuel system
19 cleaning service.

20 i. After the services were completed, the operator paid \$279.14 (after a
21 \$30.25 discount), including \$119.99 for the transmission fluid change, \$59.99 for the engine
22 flush, and \$59.99 for the fuel system cleaning. The invoice did not include a statement that the
23 operator gave oral authorization for the fuel system cleaning before that service was performed.
24 The invoice also stated that the engine oil was one-half quart low on arrival at the station. When
25 the operator drove the car from the station, the check engine light was on.

26 j. The Bureau representative re-inspected the car on May 28, 2013, at
27 113,456 miles. The engine oil and filter had been replaced. The transmission fluid had been
28 replaced. He could not determine if the engine had been flushed or the fuel system had been

1 cleaned. Although the engine ran smoothly, the check engine light was on and the car's computer
2 registered five misfire codes.

3 **FIFTH CAUSE FOR DISCIPLINE**

4 **Untrue or Misleading Statements; Fraud; Unfair Competition (Transmission Fluid)**
5 **Business and Professions Code sections 9884.7, subdivision (a)(1), 9884.7, subdivision (a)(4),**
6 **17200, and 17500; and California Code of Regulations, title 16, section 3371**

7 27. The allegations in paragraph 26 are re-alleged and incorporated by reference as if
8 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
9 ARD 256343 to discipline for making untrue or misleading statements, fraud, and unfair
10 competition related to the car needing a transmission fluid exchange (Bus. & Prof. Code,
11 §§ 9884.7, subd. (a)(1), 9884.7, subd. (a)(4), 17200 & 17500; Cal. Code Regs., tit 16, § 3371).
12 The technician said that the transmission fluid was brown and the transmission would start
13 slipping if the fluid was not changed. In fact, the transmission fluid had been changed before the
14 car was brought into the station and the transmission did not need to be serviced.

15 **SIXTH CAUSE FOR DISCIPLINE**

16 **Untrue or Misleading Statements; Fraud; Unfair Competition (Engine Flush)**
17 **Business and Professions Code sections 9884.7, subdivision (a)(1), 9884.7, subdivision (a)(4),**
18 **17200, and 17500; and California Code of Regulations, title 16, section 3371**

19 28. The allegations in paragraph 26 are re-alleged and incorporated by reference as if
20 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
21 ARD 256343 to discipline for making untrue or misleading statements, fraud, and unfair
22 competition related to the car needing an engine flush (Bus. & Prof. Code, §§ 9884.7, subd.
23 (a)(1), 9884.7, subd. (a)(4), 17200 & 17500; Cal. Code Regs., tit 16, § 3371). The technician said
24 that an engine flush was recommended every 30,000 miles and should be performed because the
25 engine oil level was low on arrival at the station. In fact, the car's service manual does not have a
26 recommendation for performing an engine flush, the manufacturer strongly recommends avoiding
27 using any flush system, and the engine oil was at the proper level on arrival at the station.

28 ///

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

SEVENTH CAUSE FOR DISCIPLINE
Untrue or Misleading Statements; Fraud; Unfair Competition (Fuel System Cleaning)
Business and Professions Code sections 9884.7, subdivision (a)(1), 9884.7, subdivision (a)(4),
17200, and 17500; and California Code of Regulations, title 16, section 3371

29. The allegations in paragraph 26 are re-alleged and incorporated by reference as if fully set forth. Respondents have subjected Automotive Repair Dealer Registration No. ARD 256343 to discipline for making untrue or misleading statements, fraud, and unfair competition related to the car needing fuel system cleaning (Bus. & Prof. Code, §§ 9884.7, subd. (a)(1), 9884.7, subd. (a)(4), 17200 & 17500; Cal. Code Regs., tit 16, § 3371). The technician said that a fuel system cleaning would further increase the car's fuel efficiency by cleaning out carbon that accumulated in the intake manifold. The technician opined that there was a lot of carbon build-up in the engine if the fuel system cleaning had not been done before. The technician also said that there should be a two to three miles per gallon increase with the fuel system cleaning. In fact, the car's service manual does not have a specification for performing a fuel system cleaning and the manufacturer strongly recommends avoiding using any flush system on its vehicles.

EIGHTH CAUSE FOR DISCIPLINE
Failure to Give Written Estimate Before Beginning Work
Business and Professions Code section 9884.9, subdivision (a), and
California Code of Regulations, title 16, section 3353, subdivision (a)

30. The allegations in paragraph 26 are re-alleged and incorporated by reference as if fully set forth. Respondents have subjected Automotive Repair Dealer Registration No. ARD 256343 to discipline for failing to give a written estimate before inspecting and recommending changing the car's transmission fluid (Bus. & Prof. Code, § 9884.9, subd. (a); Cal. Code Regs., tit. 16, § 3353, subd. (a)).

NINTH CAUSE FOR DISCIPLINE
Failure to Specify Additional Work on Revised Estimate
Business and Professions Code section 9884.9, subdivision (a), and
California Code of Regulations, title 16, section 3353, subdivision (c)

31. The allegations in paragraph 26 are re-alleged and incorporated by reference as if fully set forth. Respondents have subjected Automotive Repair Dealer Registration No. ARD 256343 to discipline for failing to list the fuel system cleaning on the revised estimate (Bus.

1 & Prof. Code, § 9884.9, subd. (a); Cal. Code Regs., tit. 16, § 3353, subd. (c)).

2 **TENTH CAUSE FOR DISCIPLINE**
3 **Failure to Document Additional Authorization on Final Invoice**
4 **Business and Professions Code section 9884.9, subdivision (a), and**
5 **California Code of Regulations, title 16, section 3353, subdivision (c)(1)**

6 32. The allegations in paragraph 26 are re-alleged and incorporated by reference as if
7 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
8 ARD 256343 to discipline for failing to include a statement that the operator gave oral
9 authorization for the fuel system cleaning before that service was performed (Bus. & Prof. Code,
10 § 9884.9, subd. (a); Cal. Code Regs., tit. 16, § 3353, subd. (c)(1)).

11 **ELEVENTH CAUSE FOR DISCIPLINE**
12 **False or Misleading Records**
13 **California Code of Regulations, title 16, section 3373**

14 33. The allegations in paragraph 26 are re-alleged and incorporated by reference as if
15 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
16 ARD 256343 to discipline for listing the car as a Toyota Camry on the original estimate and
17 issuing an invoice which stated that the engine oil was one-half quart low on arrival at the station
18 (Cal. Code Regs., tit. 16, § 3373). In fact, the oil was full when the car arrived at the station.

19 **4. ARD 256338**

20 34. a. From May 20 to May 23, 2013, a Bureau representative inspected and
21 documented a 2007 Pontiac with 154,244 miles. As part of this extensive documented service
22 procedure, the representative filled the engine oil.

23 b. On May 24, 2013, a Bureau undercover operator drove the car to Jiffy
24 Lube #2321, 3363 Mount Diablo Boulevard, Lafayette, California. The mileage at the time was
25 154,264. The operator said he wanted an oil change.

26 c. After the services were completed, the operator paid \$42.24. The invoice
27 stated that the engine oil was one-half low on arrival at the station.

28 ///

TWELFTH CAUSE FOR DISCIPLINE
False or Misleading Records
Business and Professions Code section 17500 and
California Code of Regulations, title 16, section 3373

35. The allegations in paragraph 34 are re-alleged and incorporated by reference as if fully set forth. Respondents have subjected Automotive Repair Dealer Registration No. ARD 256338 to discipline for issuing an invoice which stated that the engine oil was one-half quart low on arrival at the station (Bus. & Prof. Code, § 17500; Cal. Code Regs., tit. 16, § 3373). In fact, the engine oil was full.

5. ARD 264443

36. a. From May 20 to May 23, 2013, a Bureau representative inspected and documented a 2000 Chevrolet with 116,131 miles. As part of this extensive documented service procedure, the representative inspected the car's serpentine belt, and found it to be in good condition and not needing to be replaced. He changed the gear oil in the differential and installed a tamper indicator on the differential fill plug.

b. The car's service manual specifies changing the drive belt as needed. It advises that a belt can develop many small cracks in individual ribs without affecting the belt's performance. The onset of cracks usually indicates that the belt is only about halfway through its usable life. The belt may be changed if there are cracks 1/8 inch apart all around the belt.

c. On May 28, 2013, a Bureau undercover operator drove the car to Jiffy Lube #1947, 701 First Street, Gilroy, California. The mileage at the time was 116,147. The operator said he wanted an oil change. He was directed to the waiting area.

d. After a short time, a service technician told the operator that the drive belt had cracks and that it should be replaced because it might break. The technician said he would give a discount if the belt was changed. The operator authorized changing the belt if the technician thought it should be done. The technician said the belt definitely needed to be replaced.

e. The operator then signed and received a copy of an estimate.

f. After the services were completed, the operator paid \$133.42 (after a

1 \$21.75 discount), including \$89.99 for the belt and installation. The invoice stated that the
2 differential fluid level was "OK."

3 g. The Bureau representative re-inspected the car on May 29, 2013, at
4 116,149 miles. The engine oil, filter, and belt had been replaced. The tamper indicator on the
5 differential fill plug was still intact and undisturbed.

6 **THIRTEENTH CAUSE FOR DISCIPLINE**
7 **Untrue or Misleading Statements; Fraud; Unfair Competition**
8 **Business and Professions Code sections 9884.7, subdivision (a)(1), 9884.7, subdivision (a)(4),**
9 **17200, and 17500; and California Code of Regulations, title 16, section 3371**

10 37. The allegations in paragraph 36 are re-alleged and incorporated by reference as if
11 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
12 ARD 264443 to discipline for making untrue or misleading statements, fraud, and unfair
13 competition related to the car's serpentine belt (Bus. & Prof. Code, §§ 9884.7, subd. (a)(1),
14 9884.7, subd. (a)(4), 17200 & 17500; Cal. Code Regs., tit 16, § 3371). The technician said that
15 the serpentine belt had cracks and that it definitely needed to be replaced. In fact, the serpentine
16 belt can develop many small cracks in individual ribs without affecting the belt's performance.
17 The onset of cracks usually indicates that the belt is only about halfway through its usable life.
18 The belt may be changed if there are cracks 1/8 inch apart all around the belt. The belt was in
19 good condition and did not need to be replaced.

20 **FOURTEENTH CAUSE FOR DISCIPLINE**
21 **Failure to Give Written Estimate Before Beginning Work**
22 **Business and Professions Code section 9884.9, subdivision (a), and**
23 **California Code of Regulations, title 16, section 3353, subdivision (a)**

24 38. The allegations in paragraph 36 are re-alleged and incorporated by reference as if
25 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
26 ARD 256443 to discipline for failing to give a written estimate before inspecting and
27 recommending replacing the car's serpentine belt (Bus. & Prof. Code, § 9884.9, subd. (a); Cal.
28 Code Regs., tit. 16, § 3353, subd. (a)).

///

FIFTEENTH CAUSE FOR DISCIPLINE
False or Misleading Records
Business and Professions Code section 17500 and
California Code of Regulations, title 16, section 3373

39. The allegations in paragraph 36 are re-alleged and incorporated by reference as if fully set forth. Respondents have subjected Automotive Repair Dealer Registration No. ARD 264443 to discipline for issuing an invoice which stated that the differential fluid level was "OK" (Bus. & Prof. Code, § 17500; Cal. Code Regs., tit. 16, § 3373). In fact, the differential fluid level was not checked because the tamper indicator on the differential fill plug was still intact and undisturbed.

6A. ARD 256325
FIRST OPERATION

40. a. From May 21 to May 24, 2013, a Bureau representative inspected and documented a 2001 Chevrolet with 117,644 miles. As part of this extensive documented service procedure, the representative ensured that the engine oil was full and the dipstick was not broken. He drained and flushed the car's cooling system. He refilled the system with new coolant which was at the proper freeze protection level. The radiator was performing normally and did not have extreme corrosion. He drained the transmission fluid and installed a new transmission filter, filter seal, and transmission pan gasket. He refilled the transmission with new fluid which he tinted slightly to simulate fluid in normal service. He filled the power steering fluid and installed a tamper indicator on the filler cap.

b. The car's service manual specifies using engine oil with the American Petroleum Institute Certified For Gasoline Engines Starburst symbol with the proper viscosity. It makes no recommendation for synthetic oil. The manual specifies flushing the cooling system only after catastrophic failures or extreme corrosion in the radiator. The manual specifies replacing the transmission fluid and filter every 100,000 miles if the car is driven under severe conditions. It recommends not using external fluid exchange or flush machines for transmission fluid replacement.

c. On May 28, 2013, a Bureau undercover operator drove the car to Jiffy

1 Lube #1328, 3497 Stevens Creek Boulevard, San Jose, California. The mileage at the time was
2 117,655. The operator said he wanted an oil change and asked if he could use a \$15.00 coupon.
3 He was directed to the waiting area.

4 d. After a short time, a technician asked the operator when the transmission
5 was last serviced. The operator said he did not remember. The technician said the a transmission
6 flush is needed if it had never been done before because it flushes out all the old additives. The
7 technician offered a \$10.00 discount for the flush. The operator authorized the transmission
8 flush.

9 e. The technician asked the operator what type of oil change he wanted. The
10 operator asked what the manufacturer recommends. The technician said that according to the
11 manufacturer the car needs fully synthetic oil. The technician said that fully synthetic oil makes
12 the car easier to start and there can be longer intervals between oil changes. The operator
13 authorized the fully synthetic oil change.

14 f. The technician said he would test the engine coolant to see if it needed to
15 be changed. He came back a short time later and showed the operator a hand-held hydrometer
16 with two of the four balls floating. The technician said that all four balls should be floating and
17 the cooling system needs servicing. He said that they would flush the cooling system with a
18 machine that sucks out the coolant. The operator authorized the cooling system service.

19 g. The operator did not sign or receive a copy of an estimate.

20 h. After the services were completed, the operator paid \$288.16, including
21 \$60.99 (after a \$15.00 discount) for the synthetic oil change, \$109.99 for the transmission fluid
22 exchange (after a \$10.00 discount), and \$89.99 for the "radiator, flush & fill." The invoice stated
23 that the engine oil was one quart low on arrival at the station and power steering fluid was added.

24 i. The Bureau representative re-inspected the car on May 29, 2013, at
25 117,657 miles. The engine oil and filter had been replaced. The transmission fluid had been
26 replaced. The coolant had been replaced. The tamper indicator on the power steering fluid cap
27 was still intact and undisturbed.

28 ///

1 **SIXTEENTH CAUSE FOR DISCIPLINE**
2 **Untrue or Misleading Statements; Fraud; Unfair Competition (Transmission Flush)**
3 **Business and Professions Code sections 9884.7, subdivision (a)(1), 9884.7, subdivision (a)(4),**
4 **17200, and 17500; and California Code of Regulations, title 16, section 3371**

5 41. The allegations in paragraph 40 are re-alleged and incorporated by reference as if
6 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
7 ARD 256325 to discipline for making untrue or misleading statements, fraud, and unfair
8 competition related to the car needing a transmission flush (Bus. & Prof. Code, §§ 9884.7, subd.
9 (a)(1), 9884.7, subd. (a)(4), 17200 & 17500; Cal. Code Regs., tit 16, § 3371). The technician said
10 that the car needed a transmission flush if it had never been done before because it flushes out all
11 the old additives. In fact, the manual specifies replacing the transmission fluid and filter every
12 100,000 miles if the car is driven under severe conditions. It recommends not using external fluid
13 exchange or flush machines for transmission fluid replacement. The car did not need a
14 transmission flush.

15 **SEVENTEENTH CAUSE FOR DISCIPLINE**
16 **Untrue or Misleading Statements; Fraud; Unfair Competition (Engine Oil)**
17 **Business and Professions Code sections 9884.7, subdivision (a)(1), 9884.7, subdivision (a)(4),**
18 **17200, and 17500; and California Code of Regulations, title 16, section 3371**

19 42. The allegations in paragraph 40 are re-alleged and incorporated by reference as if
20 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No. ARD
21 256325 to discipline for making untrue or misleading statements, fraud, and unfair competition
22 related to the car needing synthetic oil (Bus. & Prof. Code, §§ 9884.7, subd. (a)(1), 9884.7, subd.
23 (a)(4), 17200 & 17500; Cal. Code Regs., tit 16, § 3371). The technician said that according to the
24 manufacturer the car needs fully synthetic oil. In fact, the car's service manual recommends
25 engine oil with the American Petroleum Institute Certified For Gasoline Engines Starburst
26 symbol with the proper viscosity. It makes no recommendation for synthetic oil.

27 **EIGHTEENTH CAUSE FOR DISCIPLINE**
28 **Untrue or Misleading Statements; Fraud; Unfair Competition**
(Representations for Cooling System Service)
Business and Professions Code sections 9884.7, subdivision (a)(1), 9884.7, subdivision (a)(4),
17200, and 17500; and California Code of Regulations, title 16, section 3371

43. The allegations in paragraph 40 are re-alleged and incorporated by reference as if

1 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
2 ARD 256325 to discipline for making untrue or misleading statements, fraud, and unfair
3 competition related to the car's cooling system needing servicing (Bus. & Prof. Code, §§ 9884.7,
4 subd. (a)(1), 9884.7, subd. (a)(4), 17200 & 17500; Cal. Code Regs., tit 16, § 3371). The
5 technician said that his inspection of the coolant showed that the cooling system needs servicing.
6 In fact, the car had new coolant at the proper protection level. The radiator was performing
7 normally and did not have extreme corrosion. The manual specifies flushing the cooling system
8 only after catastrophic failures or extreme corrosion in the radiator. The cooling system did not
9 need to be serviced.

10 **NINETEENTH CAUSE FOR DISCIPLINE**
11 **Failure to Give Written Estimate Before Beginning Work**
12 **Business and Professions Code section 9884.9, subdivision (a), and**
13 **California Code of Regulations, title 16, section 3353, subdivision (a)**

14 44. The allegations in paragraph 40 are re-alleged and incorporated by reference as if
15 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
16 ARD 256325 to discipline for failing to provide a written estimate before beginning work on the
17 vehicle (Bus. & Prof. Code, § 9884.9, subd. (a); Cal. Code Regs., tit. 16, § 3353, subd. (a)).

18 **TWENTIETH CAUSE FOR DISCIPLINE**
19 **False or Misleading Records**
20 **Business and Professions Code section 17500 and**
21 **California Code of Regulations, title 16, section 3373**

22 45. The allegations in paragraph 40 are re-alleged and incorporated by reference as if
23 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
24 ARD 256325 to discipline for issuing an invoice which stated that the engine oil was one quart
25 low on arrival at the station and power steering fluid was added (Bus. & Prof. Code, § 17500;
26 Cal. Code Regs., tit. 16, § 3373). In fact, the engine oil was full when the vehicle arrived at the
27 station, and power steering fluid was not added because the tamper seal on the power steering
28 fluid cap was intact and undisturbed.

///

1 system. The technician said that eventually the refrigerant would start leaking out of the lines.
2 Once the refrigerant had leaked out, the air conditioning motor would stop working and cause
3 stress to the belt. The technician recommended that an air conditioning service be preformed on
4 the car. This service would pull everything out, evacuate all the contaminants, and recharge the
5 refrigerant to the proper level. The technician offered a \$30.00 discount because the operator was
6 getting an oil change as well. The operator authorized the air conditioning service.

7 e. The operator then signed and received a copy of an estimate.

8 f. After the services were completed, the operator paid \$118.89 (after a
9 \$46.00 discount), including \$89.99 for the air conditioner service (after a \$30.00 discount). The
10 invoice did not record the air conditioning high and low side system operating pressures, or the
11 center air distribution outlet temperature.

12 g. The Bureau representative re-inspected the car on July 31, 2013, at 141,149
13 miles. The engine oil and filter had been replaced. The representative could not determine if an
14 air conditioning service had been performed.

15 **TWENTY-FIRST CAUSE FOR DISCIPLINE**

16 **Untrue or Misleading Statements; Fraud; Unfair Competition**

17 **Business and Professions Code sections 9884.7, subdivision (a)(1), 9884.7, subdivision (a)(4),
18 17200, and 17500; and California Code of Regulations, title 16, section 3371**

19 47. The allegations in paragraph 46 are re-alleged and incorporated by reference as if
20 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
21 ARD 256325 to discipline for making untrue or misleading statements, fraud, and unfair
22 competition related to the car's air conditioning (Bus. & Prof. Code, §§ 9884.7, subd. (a)(1),
23 9884.7, subd. (a)(4), 17200 & 17500; Cal. Code Regs., tit. 16, § 3371). The technician said that
24 the refrigerant is supposed to be changed every two years. He said that if the refrigerant was not
25 changed, it would build up excessive pressure which would indicate that the refrigerant level was
26 getting low. The technician tested the air conditioning system when the engine was not running
27 and the compressor was not operating. The technician showed the operator the gauge, which
28 registered in the red area, and said that it was a warning of high system pressure and that the air
conditioning system had way too much pressure. The technician said that eventually the

1 refrigerant would start leaking out of the lines. Once the refrigerant had leaked out, the air
2 conditioning motor would stop working and cause stress to the belt. The technician
3 recommended that an air conditioning service be preformed on the car. In fact, the service
4 manual specifies servicing the air conditioning system as needed. Refrigerant pressures are
5 measured with the engine running and the compressor operating. A low refrigerant level causes a
6 low pressure reading. The car's computer also monitors the refrigerant pressure; the air
7 compressor will not operate if the refrigerant pressure is not within specifications. The air
8 conditioning system recently had been completely serviced and was operating normally. The air
9 conditioning system did not need to be serviced.

10 **TWENTY-SECOND CAUSE FOR DISCIPLINE**
11 **Failure to Give Written Estimate Before Beginning Work**
12 **Business and Professions Code section 9884.9, subdivision (a), and**
13 **California Code of Regulations, title 16, section 3353, subdivision (a)**

14 48. The allegations in paragraph 46 are re-alleged and incorporated by reference as if
15 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
16 ARD 256325 to discipline for failing to give a written estimate before inspecting and
17 recommending servicing the car's air conditioning system (Bus. & Prof. Code, § 9884.9, subd.
18 (a); Cal. Code Regs., tit. 16, § 3353, subd. (a)).

19 **TWENTY-THIRD CAUSE FOR DISCIPLINE**
20 **Failure to Record Air Conditioning Readings on Invoice**
21 **California Code of Regulations, title 16, section 3666, subdivision (a)(15) and (16)**

22 49. The allegations in paragraph 46 are re-alleged and incorporated by reference as if
23 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
24 ARD 256325 to discipline for failing to include the air conditioning high and low side system
25 operating pressures, or the center air distribution outlet temperature, on the invoice (Cal. Code
26 Regs., tit. 16, § 3666, subd. (a)(15) & (16)).

27 **7. ARD 256311**

28 50. a. From May 16 to May 23, 2013, a Bureau representative inspected and
documented a 2001 Chevrolet with 141,067 miles. As part of this extensive documented service
procedure, the representative inspected the car's air filter, and found it to be in good condition

1 and not needing to be replaced. He drained and refilled the car's cooling system with new
2 coolant which was at the proper freeze protection level.

3 b. On June 4, 2013, a Bureau undercover operator drove the car to Jiffy Lube
4 #296, 1580 El Camino Real, San Bruno, California. The mileage at the time was 141,101. The
5 operator said he wanted an oil change and asked to use a \$15.00 coupon from the website. He
6 was directed to the waiting area.

7 c. After a short time, a technician discussed what kind of oil change the
8 operator wanted. The operator asked the technician to check the coolant to see if it needs
9 servicing. The technician returned a short while later, and said the coolant was black and needs
10 servicing. The technician also showed the operator the car's air filter. The operator asked if it
11 was dirty; the technician said it was worn. The technician offered a 15 percent discount if the
12 operator wanted the services. The operator authorized servicing the coolant system and changing
13 the air filter.

14 d. The operator did not sign or receive an estimate.

15 e. After the services were completed, the operator paid \$287.58, including
16 \$16.99 (before a 15 percent discount) for replacing the air filter and \$89.99 (before a \$15.00
17 discount) for "radiator, flush & fill."

18 f. The Bureau representative re-inspected the car on June 10, 2013, at
19 141,103 miles. The engine oil, oil filter, and air filter had been replaced. The coolant had been
20 changed.

21 **TWENTY-FOURTH CAUSE FOR DISCIPLINE**
22 **Untrue or Misleading Statements; Fraud; Unfair Competition (Cooling System)**
23 **Business and Professions Code sections 9884.7, subdivision (a)(1), 9884.7, subdivision (a)(4),**
24 **17200, and 17500; and California Code of Regulations, title 16, section 3371**

24 51. The allegations in paragraph 50 are re-alleged and incorporated by reference as if
25 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
26 ARD 256311 to discipline for making untrue or misleading statements, fraud, and unfair
27 competition related to the car's cooling system (Bus. & Prof. Code, §§ 9884.7, subd. (a)(1),
28 9884.7, subd. (a)(4), 17200 & 17500; Cal. Code Regs., tit 16, § 3371). The technician said the

1 coolant was black and needs servicing. In fact, the car's cooling system had been refilled with
2 new coolant to the proper level of freeze protection and did not need to be serviced.

3 **TWENTY-FIFTH CAUSE FOR DISCIPLINE**

4 **Untrue or Misleading Statements; Fraud; Unfair Competition (Air Filter)**

5 **Business and Professions Code sections 9884.7, subdivision (a)(1), 9884.7, subdivision (a)(4),
6 17200, and 17500; and California Code of Regulations, title 16, section 3371**

7 52. The allegations in paragraph 50 are re-alleged and incorporated by reference as if
8 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
9 ARD 256311 to discipline for making untrue or misleading statements, fraud, and unfair
10 competition related to the car's air filter (Bus. & Prof. Code, §§ 9884.7, subd. (a)(1), 9884.7,
11 subd. (a)(4), 17200 & 17500; Cal. Code Regs., tit 16, § 3371). The technician said that the car's
12 air filter was worn. In fact, the air filter was in good condition and did not need to be replaced.

13 **TWENTY-SIXTH CAUSE FOR DISCIPLINE**

14 **Failure to Provide Copy of Estimate**

15 **Business and Professions Code section 9884.9, subdivision (a),
16 and California Code of Regulations, title 16, section 3353, subdivision (a)**

17 53. The allegations in paragraph 50 are re-alleged and incorporated by reference as if
18 fully set forth. Respondent has subjected Automotive Repair Dealer Registration No.
19 ARD 256311 to discipline for failing to provide a copy of the estimate to the operator at the time
20 he signed it and before a technician worked on the car (Bus. & Prof. Code, §§ 9884.7, subd.
21 (a)(3), 9884.9, subd. (a); Cal. Code Regs., tit. 16, § 3353, subd. (a)).

22 **8. ARD 256321**

23 54. a. From May 21 to May 24, 2013, a Bureau representative inspected and
24 documented a 1997 Honda.

25 b. On June 4, 2013, a Bureau undercover operator drove the car to Jiffy Lube
26 #1151, 407 South Delaware Street, San Mateo, California. The operator asked for an oil change.
27 He signed an estimate but did not receive a copy.

28 ///

TWENTY-SEVENTH CAUSE FOR DISCIPLINE
Failure to Provide Copy of Signed Estimate
Business and Professions Code sections 9884.7, subdivision (a)(3), 9884.9, subdivision (a),
and California Code of Regulations, title 16, section 3353, subdivision (a)

55. The allegations in paragraph 54 are re-alleged and incorporated by reference as if fully set forth. Respondents have subjected Automotive Repair Dealer Registration No. ARD 256321 to discipline for failing to provide a copy of the estimate to the operator at the time he signed it and before a technician worked on the car (Bus. & Prof. Code, §§ 9884.7, subd. (a)(3), 9884.9, subd. (a); Cal. Code Regs., tit. 16, § 3353, subd. (a)).

9. ARD 256327

56. a. From May 20 to May 23, 2013, a Bureau representative inspected and documented a 2001 Pontiac with 149,781 miles. As part this extensive documented service procedure, the representative installed tamper indicators on the transmission pan. The car ran and performed normally.

b. The manufacturer specifies using American Petroleum Institute Certified engine oil of the proper viscosity; it makes no recommendation for synthetic oil. The service manual specifies replacing the transmission filter when the transmission fluid is changed. The manufacturer does not specify performing an engine flush at any service interval and specifically recommends not using any engine oil additives in this car.

c. On June 6, 2013, a Bureau undercover operator drove the car to Jiffy Lube #1349, 2030 Van Ness Avenue, San Francisco, California. The mileage at the time was 149,796. The operator said he wanted an oil change and asked if he could use a \$15.00 coupon from the Jiffy Lube website. He was directed to the waiting area.

d. After a short time, the technician talked to the operator about what kind of oil change option he wanted. The operator asked the technician what Pontiac recommends. The technician said that the manufacturer recommends a full synthetic oil change because the engine will last longer. He also said that with the full synthetic oil change that the operator could change it every 5,000 miles with city driving and every 7,500 with freeway driving. The operator authorized the synthetic oil change.

1 e. The technician also said that the manufacturer recommends that the engine
2 be flushed every 15,000 miles. The technician offered a 15 percent discount on the total bill. The
3 operator authorized the engine flush. The operator also authorized a transmission service.

4 f. After the services were completed, the operator paid \$239.41 (after a 15
5 percent total discount), including \$75.99 for the synthetic oil change and \$59.99 for the engine
6 flush.

7 g. The Bureau representative re-inspected the car on June 11, 2013, at
8 149,812 miles. The engine oil and oil filter had been changed. The representative could not
9 determine if an engine flush had been performed. The tamper indicator on the transmission pan
10 was still intact and undisturbed.

11 **TWENTY-EIGHTH CAUSE FOR DISCIPLINE**
12 **Untrue or Misleading Statements; Fraud; Unfair Competition (Synthetic Oil)**
13 **Business and Professions Code sections 9884.7, subdivision (a)(1), 9884.7, subdivision (a)(4),**
14 **17200, and 17500; and California Code of Regulations, title 16, section 3371**

15 57. The allegations in paragraph 56 are re-alleged and incorporated by reference as if
16 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
17 ARD 256327 to discipline for making untrue or misleading statements, fraud, and unfair
18 competition related to the car's manufacturer recommending synthetic motor oil (Bus. & Prof.
19 Code, §§ 9884.7, subd. (a)(1), 9884.7, subd. (a)(4), 17200 & 17500; Cal. Code Regs., tit 16,
20 § 3371). The technician said that the manufacturer recommends a full synthetic oil change. In
21 fact, the manufacturer specifies using American Petroleum Institute Certified engine oil of the
22 proper viscosity; it makes no recommendation for synthetic oil.

23 **TWENTY-NINTH CAUSE FOR DISCIPLINE**
24 **Untrue or Misleading Statements; Fraud; Unfair Competition (Engine Flush)**
25 **Business and Professions Code sections 9884.7, subdivision (a)(1), 9884.7, subdivision (a)(4),**
26 **17200, and 17500; and California Code of Regulations, title 16, section 3371**

27 58. The allegations in paragraph 56 are re-alleged and incorporated by reference as if
28 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
ARD 256327 to discipline for making untrue or misleading statements, fraud, and unfair
competition related to the car's manufacturer recommending an engine flush (Bus. & Prof. Code,

1 §§ 9884.7, subd. (a)(1), 9884.7, subd. (a)(4), 17200 & 17500; Cal. Code Regs., tit 16, § 3371).
2 The technician said that the manufacturer recommends that the engine be flushed every 15,000
3 miles. In fact, the manufacturer does not specify performing an engine flush at any service
4 interval and recommends not using any engine oil additives in this car.

5 **THIRTIETH CAUSE FOR DISCIPLINE**
6 **Material Departure from Accepted Trade Standards for Good and Workmanlike Repair**
7 **Business and Professions Code section 9884.7, subdivision (a)(7)**

8 59. The allegations in paragraph 56 are re-alleged and incorporated by reference as if
9 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
10 ARD 256327 to discipline for materially departing from accepted trade standards for good and
11 workmanlike repair by failing to replace the transmission filter when changing the transmission
12 fluid, as specified by the manufacturer (Bus. & Prof. Code, § 9884.7, subd. (a)(7)).

13 **10. ARD 256314**

14 60. a. From May 17 to May 23, 2013, a Bureau representative inspected and
15 documented a 2001 Chevrolet with 126,397 miles. As part this extensive documented service
16 procedure, the representative changed the transmission fluid and filter, and put identification
17 marks on the filter. He changed the differential oil. He ensured that the engine oil was full and
18 all fluids were at the proper level. He installed tamper indicators on the tire valve stems and
19 grease zerk fittings on the chassis.

20 b. The color of transmission fluid alone does not indicate whether the fluid
21 needs to be changed. The service manual specifies changing the transmission filter with every
22 transmission fluid change.

23 c. On June 7, 2013, a Bureau undercover operator drove the car to Jiffy Lube
24 #606, 2492 Castro Valley Boulevard, Castro Valley, California. The mileage at the time was
25 126,418. The operator said he wanted an oil change and asked to use a coupon from the Jiffy
26 Lube website. He was directed to the waiting room.

27 d. After a short time, a technician told the operator that the transmission needs
28 servicing. He said that the transmission fluid should be bright red but is dirty and should be
changed. The operator authorized the transmission fluid change.

1 e. The technician then said the rear differential oil was gunky, mud-like, and
2 had sludge. He said the differential oil should come out when the plug is removed, but the oil did
3 not come out. He said the differential oil should be changed. The operator authorized the
4 differential oil change.

5 f. The operator then signed an estimate but did not receive a copy.

6 g. After the services were completed, the operator paid \$271.26 (after a
7 \$25.00 discount), including \$119.99 for the transmission fluid change and \$75.99 for the
8 differential oil change. The invoice stated that the chassis lubrication was "sealed," the tire
9 pressure was "F35 R35," and the oil level on arrival was "1.5 qt low."

10 h. The Bureau representative re-inspected the car on June 11, 2013, at
11 126,419 miles. The engine oil and oil filter had been changed, but the oil was more than 15
12 ounces overfilled. The transmission filter had not been changed. The differential oil had been
13 changed. The tamper indicators on the tire valve stems and chassis grease zerk fittings were still
14 intact and undisturbed.

15 **THIRTY-FIRST CAUSE FOR DISCIPLINE**

16 **Untrue or Misleading Statements; Fraud; Unfair Competition (Transmission Fluid)**
17 **Business and Professions Code sections 9884.7, subdivision (a)(1), 9884.7, subdivision (a)(4),**
18 **17200, and 17500; and California Code of Regulations, title 16, section 3371**

19 61. The allegations in paragraph 60 are re-alleged and incorporated by reference as if
20 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
21 ARD 256314 to discipline for making untrue or misleading statements, fraud, and unfair
22 competition related to the vehicle needing a transmission fluid change (Bus. & Prof. Code, §§
23 9884.7, subd. (a)(1), 9884.7, subd. (a)(4), 17200 & 17500; Cal. Code Regs., tit 16, § 3371). The
24 technician said that the Chevrolet's transmission fluid should be bright red, but is dirty and should
25 be changed. In fact, the color of transmission fluid alone does not indicate whether the fluid
26 needs to be changed. Also, the transmission fluid had been changed before the Chevrolet was
27 brought to the station. The transmission fluid did not need to be changed.

28 ///

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

THIRTY-SECOND CAUSE FOR DISCIPLINE
Untrue or Misleading Statements; Fraud; Unfair Competition (Differential Oil)
Business and Professions Code sections 9884.7, subdivision (a)(1), 9884.7, subdivision (a)(4),
17200, and 17500; and California Code of Regulations, title 16, section 3371

62. The allegations in paragraph 60 are re-alleged and incorporated by reference as if fully set forth. Respondents have subjected Automotive Repair Dealer Registration No. ARD 256314 to discipline for making untrue or misleading statements, fraud, and unfair competition related to the vehicle needing a differential oil change (Bus. & Prof. Code, §§ 9884.7, subd. (a)(1), 9884.7, subd. (a)(4), 17200 & 17500; Cal. Code Regs., tit 16, § 3371). The technician said that the Chevrolet's rear differential oil was gunky, mud-like, and had sludge. He said the differential oil should come out when the plug is removed but it did not. He said the oil should be changed. In fact, the differential oil had been changed before the Chevrolet was brought to the station and did not need to be changed.

THIRTY-THIRD CAUSE FOR DISCIPLINE
Material Departure from Accepted Trade Standards for Good and Workmanlike Repair
(Transmission Filter)
Business and Professions Code section 9884.7, subdivision (a)(7)

63. The allegations in paragraph 60 are re-alleged and incorporated by reference as if fully set forth. Respondents have subjected Automotive Repair Dealer Registration No. ARD 256314 to discipline for materially departing from accepted trade standards for good and workmanlike repair by failing to replace the transmission filter with the transmission fluid change (Bus. & Prof. Code, § 9884.7, subd. (a)(7)).

THIRTY-FOURTH CAUSE FOR DISCIPLINE
Material Departure from Accepted Trade Standards for Good and Workmanlike Repair
(Oil Overfill)
Business and Professions Code section 9884.7, subdivision (a)(7)

64. The allegations in paragraph 60 are re-alleged and incorporated by reference as if fully set forth. Respondents have subjected Automotive Repair Dealer Registration No. ARD 256314 to discipline for materially departing from accepted trade standards for good and workmanlike repair by overfilling the engine oil by over 15 ounces (Bus. & Prof. Code, § 9884.7, subd. (a)(7)).

1 **THIRTY-FIFTH CAUSE FOR DISCIPLINE**
2 **Failure to Provide Copy of Signed Estimate**
3 **Business and Professions Code sections 9884.7, subdivision (a)(3), 9884.9, subdivision (a),**
4 **and California Code of Regulations, title 16, section 3353, subdivision (a)**

5 65. The allegations in paragraph 60 are re-alleged and incorporated by reference as if
6 fully set forth. Respondent has subjected Automotive Repair Dealer Registration No.
7 ARD 256314 to discipline for failing to provide a copy of the estimate to the operator at the time
8 he signed it and before a technician worked on the car (Bus. & Prof. Code, §§ 9884.7, subd.
9 (a)(3), 9884.9, subd. (a); Cal. Code Regs., tit. 16, § 3353, subd. (a)).

10 **THIRTY-SIXTH CAUSE FOR DISCIPLINE**
11 **False or Misleading Records**
12 **California Code of Regulations, title 16, section 3373**

13 66. The allegations in paragraph 60 are re-alleged and incorporated by reference as if
14 fully set forth. Respondent has subjected Automotive Repair Dealer Registration No.
15 ARD 256314 to discipline for issuing an invoice which stated that the chassis lubrication was
16 "sealed," the tire pressure was "F35 R35," and the oil level on arrival was "1.5 qt low." (Cal.
17 Code Regs., tit. 16, § 3373). In fact, the tire pressure was not checked because tamper indicators
18 on the tire valve stems were still intact and undisturbed. The vehicle had grease zerk fittings and
19 the tamper indicators on them were still intact and undisturbed. Also, the engine oil was full
20 when the vehicle arrived at the station.

21 **11. ARD 256329**

22 67. a. From about May 15 to May 23, 2013, a Bureau representative inspected
23 and documented a 1997 Chevrolet with 59,317 miles. As part of this extensive documented service
24 procedure, the representative filled the engine oil. The engine oil pan and plug were in good
25 serviceable condition. He changed the differential fluid and installed a tamper indicator on the
26 differential plug.

27 b. On June 10, 2013, a Bureau undercover operator drove the car to Jiffy
28 Lube #1404, 153 West Jackson Street, Hayward, California. The mileage at the time was 59,353.
The operator said he wanted an oil change. He was directed to the waiting area.

c. After the services were performed, a technician told the operator that they

1 had noticed the oil pan drain plug's threads were damaged when they removed it and it was
2 necessary for them to install a universal drain plug. The technician said that the threads on the oil
3 pan also were damaged and the operator should take the vehicle to the dealer to have the oil pan
4 replaced. (The station still charged the full price for the oil change.) The invoice stated that the
5 engine oil was one quart low on arrival at the station, the differential fluid level was "OK," and
6 the oil pan threads were damaged on arrival at the station.

7 d. The Bureau representative re-inspected the car on June 12, 2013, at 59,353
8 miles. The engine oil and filter had been replaced. A universal rubber drain plug had been
9 installed on the oil pan. The oil pan threads were damaged beyond repair. The tamper indicator
10 on the differential plug was still intact and undisturbed.

11 **THIRTY-SEVENTH CAUSE FOR DISCIPLINE**
12 **Material Departure from Accepted Trade Standards for Good and Workmanlike Repair**
13 **Business and Professions Code section 9884.7, subdivision (a)(7)**

14 68. The allegations in paragraph 67 are re-alleged and incorporated by reference as if
15 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
16 ARD 256329 to discipline for materially departing from accepted trade standards for good and
17 workmanlike repair by damaging the threads on the engine oil pan and plug while servicing the
18 Chevrolet (Bus. & Prof. Code, § 9884.7, subd. (a)(7)).

19 **THIRTY-EIGHTH CAUSE FOR DISCIPLINE**
20 **False or Misleading Records**
21 **Business and Professions Code section 17500 and**
22 **California Code of Regulations, title 16, section 3373**

23 69. The allegations in paragraph 67 are re-alleged and incorporated by reference as if
24 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
25 ARD 256329 to discipline for issuing an invoice which stated that the engine oil was one quart
26 low on arrival at the station, the differential fluid level was "OK," and the oil pan threads were
27 damaged on arrival at the station (Bus. & Prof. Code, § 17500; Cal. Code Regs., tit. 16, § 3373).
28 In fact, the Chevrolet's oil was full, the differential fluid level was not checked because the
tamper indicator on the differential plug was still intact and undisturbed, and the engine oil pan
and plug were in good serviceable condition before the vehicle arrived at the station.

12. ARD 256326

70. a. From June 3 to June 4, 2013, a Bureau representative inspected and documented a 1997 Toyota with 149,220 miles. As part of this extensive documented service procedure, the representative changed the transmission fluid.

b. The service manual specifies changing transmission fluid every 75,000 miles or 90 months if the car is used for towing. If the car is not used for towing, the manual does not specify changing the transmission fluid.

c. On June 10, 2013, a Bureau undercover operator drove the car to Jiffy Lube #1347, 6099 Geary Boulevard, San Francisco, California. The mileage at the time was 149,235. The operator said he wanted an oil change. He was directed to the waiting area.

d. After a short time, a technician told the operator that the car needed a transmission flush. He said that a transmission flush should be performed every 2 years or 15,000 miles. He said that a transmission flush is better than just changing the transmission oil because it flushes all the old additives out of the transmission. The technician said that the total bill would be around \$174.99. The operator verbally authorized the transmission flush.

e. The operator was not asked to sign and did not receive a copy of an estimate.

f. After the services were completed, the operator paid \$165.75, including \$119.99 for the transmission fluid exchange.

g. The Bureau representative re-inspected the car on June 10, 2013. The transmission fluid was one-half quart low.

THIRTY-NINTH CAUSE FOR DISCIPLINE

**Untrue or Misleading Statements; Fraud; Unfair Competition
Business and Professions Code sections 9884.7, subdivision (a)(1), 9884.7, subdivision (a)(4),
17200, and 17500; and California Code of Regulations, title 16, section 3371**

71. The allegations in paragraph 70 are re-alleged and incorporated by reference as if fully set forth. Respondents have subjected Automotive Repair Dealer Registration No. ARD 256326 to discipline for making untrue or misleading statements, fraud, and unfair competition related to the car needing a transmission fluid exchange (Bus. & Prof. Code,

1 §§ 9884.7, subd. (a)(1), 9884.7, subd. (a)(4), 17200 & 17500; Cal. Code Regs., tit 16, § 3371).
2 The technician said that the car needed to have its transmission flushed every 2 years or 15,000
3 miles. He said that a transmission flush is better than just changing the transmission fluid because
4 it flushes all the old additives out of the transmission. In fact, the transmission fluid had been
5 changed before the car was brought into the station. The service manual specifies changing
6 transmission fluid every 75,000 miles or 90 months if the car is used for towing. If the car is not
7 used for towing, the manual does not specify changing the transmission fluid. The transmission
8 fluid did not need to be changed.

9 **FORTIETH CAUSE FOR DISCIPLINE**
10 **Failure to Provide Copy of Estimate**
11 **Business and Professions Code section 9884.9, subdivision (a), and**
12 **California Code of Regulations, title 16, section 3353, subdivision (a)**

13 72. The allegations in paragraph 70 are re-alleged and incorporated by reference as if
14 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
15 ARD 256326 to discipline for failing to provide a copy of the estimate to the operator at the time
16 he signed it and before a technician worked on the car (Bus. & Prof. Code, §§ 9884.7, subd.
17 (a)(3), 9884.9, subd. (a); Cal. Code Regs., tit. 16, § 3353, subd. (a)).

18 **13. ARD 256363**

19 73. a. From May 31 to June 7, 2013, a Bureau representative inspected and
20 documented a 1993 Honda with 120,260 miles. As part this extensive documented service
21 procedure, the representative over-diluted the blue-colored Honda engine coolant to a freeze
22 protection level of -3 degrees Fahrenheit. However, the coolant had no rust, scale, contamination,
23 or fatigue. The cooling system overflow reservoir had no signs of contamination. The coolant
24 and all fluids were at the proper levels. The representative installed tamper indicators on the tire
25 valve stems.

26 b. The service manual specifies using only Honda-recommended coolant with
27 a concentration of 50 percent coolant and 50 percent water. This concentration gives a freeze
28 protection level of approximately -34 degrees Fahrenheit.

c. On June 12, 2013, a Bureau undercover operator drove the car to Jiffy

1 Lube #2342, 1141 El Camino Real, Mountain View, California. The mileage at the time was
2 120,294. The operator said he wanted an oil change and asked the technician to check the engine
3 coolant. The operator was directed to the waiting area.

4 d. After a short time, a technician told the operator that the coolant is worn
5 and has no more additives. He said that the coolant needs to be changed and the car needs a
6 radiator service. The operator authorized the radiator service.

7 e. After the services were completed, the operator paid \$127.85, including
8 \$89.99 for the radiator service. The invoice described the service as "Radiator, flush & fill." The
9 invoice also stated that the tire pressure was "F32 R32."

10 f. The Bureau representative re-inspected the car on June 21, 2013, at
11 120,307 miles. The engine oil and oil filter had been changed. The tamper indicators on the
12 radiator drain plug lower radiator hose and engine block drain bolt were still intact and
13 undisturbed. The engine coolant in the overflow reservoir was green and had a freeze protection
14 level of -30 degrees Fahrenheit. However, after the representative drained the coolant, he found
15 that the coolant overall had a freeze protection level of only -8 degrees Fahrenheit. Moreover, the
16 coolant was approximately 10 ounces overfilled. The tamper indicators on the tire valve stems
17 were still intact and undisturbed.

18 **FORTY-FIRST CAUSE FOR DISCIPLINE**

19 **Material Departure from Accepted Trade Standards for Good and Workmanlike Repair**
20 **Business and Professions Code section 9884.7, subdivision (a)(7)**

21 74. The allegations in paragraph 73 are re-alleged and incorporated by reference as if
22 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
23 ARD 256363 to discipline for materially departing from accepted trade standards for good and
24 workmanlike repair by failing to properly service the cooling system (Bus. & Prof. Code,
25 § 9884.7, subd. (a)(7)). The technician overfilled the coolant by approximately 10 ounces. The
26 coolant overall had a freeze protection level only -8 degrees Fahrenheit instead of the
27 manufacturer-recommended -34 degrees Fahrenheit.

28 ///

FORTY-SECOND CAUSE FOR DISCIPLINE
False or Misleading Records
California Code of Regulations, title 16, section 3373

75. The allegations in paragraph 73 are re-alleged and incorporated by reference as if fully set forth. Respondents have subjected Automotive Repair Dealer Registration No. ARD 256363 to discipline for issuing an invoice which stated that the tire pressure was "F32 R32" (Cal. Code Regs., tit. 16, § 3373). In fact, the tire pressure was not checked because the tamper indicators on the tire valve stems were still intact and undisturbed.

14. ARD 256316

76. a. From May 31 to June 4, 2013, a Bureau representative inspected and documented a 1996 Toyota with 73,299 miles. As part this extensive documented service procedure, the representative inspected and serviced the car's air conditioning system. The high and low side system operating pressures, and the center air distribution outlet temperature, were within manufacturer specifications and the system had a proper charge of refrigerant. The system was free of leaks and functioned normally. The representative changed the differential fluid and blended the differential fill plug to look like it had not been removed recently. There was no varnish or buildup on the engine oil dipstick. There were no trouble codes in the computer. The car drove normally.

b. The service manual specifies servicing the air conditioning system as needed. The manufacturer does not recommend fuel system service or flushing, or engine oil flushing.

c. On June 12, 2013, a Bureau undercover operator drove the car to Jiffy Lube #610, 1030 El Camino Real, San Carlos, California. The mileage at the time was 73,318. The operator said he wanted an oil change. He was directed to the waiting area.

d. After a short time, a technician told the operator that the car previously had been serviced at another Jiffy Lube station and that it had been recommended at that previous time to have the fuel injectors cleaned, the engine flushed, and the air conditioning serviced. The operator asked if those services still needed to be done.

e. A few minutes later, the technician returned with a handheld device and

1 said that the air conditioning system still needed service because it had high pressures. The
2 technician quickly showed the operator the handheld device which registered in the green part of
3 the gauge. The technician said that the air conditioner service should be performed every two
4 years. The service would lubricate the system; the air conditioning lines would dry up if the
5 service was not performed. The operator authorized the air conditioning service.

6 f. The technician said that a fuel system service would improve gas mileage.
7 He recommended that this service be performed. The operator authorized the fuel system service.

8 g. The technician then said that an engine flush would remove buildup on the
9 bottom of the engine oil pan. He recommended that this service be performed. The operator
10 authorized the engine flush. The technician said the operator could use his discount coupon and
11 he would provide an additional discount.

12 h. After the services were completed, the operator paid \$250.51 (after a
13 \$40.45 discount), including \$119.99³ for the air conditioner service, \$59.99 for the fuel system
14 flush, and \$59.99 for the engine flush. The invoice stated that the differential fluid level was
15 "N/A."

16 i. The Bureau representative re-inspected the car on June 17, 2013, at 73,322
17 miles. The engine oil and filter had been replaced. The representative could not determine if an
18 air conditioning service or fuel system cleaning service had been performed. The fill plug on the
19 differential appeared undisturbed.

20 **FORTY-THIRD CAUSE FOR DISCIPLINE**
21 **Untrue or Misleading Statements; Fraud; Unfair Competition (Air Conditioning)**
22 **Business and Professions Code sections 9884.7, subdivision (a)(1), 9884.7, subdivision (a)(4),**
23 **17200, and 17500; and California Code of Regulations, title 16, section 3371**

24 77. The allegations in paragraph 76 are re-alleged and incorporated by reference as if
25 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
26 ARD 256316 to discipline for making untrue or misleading statements, fraud, and unfair
27 competition related to the car's air conditioning (Bus. & Prof. Code, §§ 9884.7, subd. (a)(1),

28 ³ The service was \$119.99 but the subtotal was \$122.99. The invoice does not
provide the reason for this \$3.00 difference.

1 9884.7, subd. (a)(4), 17200 & 17500; Cal. Code Regs., tit 16, § 3371). The technician said that
2 the car's air conditioning system needed service because it had high pressures. He said that the
3 air conditioner service should be performed every two years. He said that the service would
4 lubricate the system; the air conditioning lines would dry up if the service was not performed. In
5 fact, the service manual specifies servicing the air conditioning system as needed. The air
6 conditioner high and low side system operating pressures, and the center air distribution outlet
7 temperature, were within manufacturer specifications and the system had a proper charge of
8 refrigerant. The system was free of leaks and functioned normally. The air conditioning system
9 did not need to be serviced.

10 **FORTY-FOURTH CAUSE FOR DISCIPLINE**

11 **Untrue or Misleading Statements; Fraud; Unfair Competition (Fuel System)**
12 **Business and Professions Code sections 9884.7, subdivision (a)(1), 9884.7, subdivision (a)(4),**
13 **17200, and 17500; and California Code of Regulations, title 16, section 3371**

14 78. The allegations in paragraph 76 are re-alleged and incorporated by reference as if
15 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
16 ARD 256316 to discipline for making untrue or misleading statements, fraud, and unfair
17 competition related to the car's fuel system (Bus. & Prof. Code, §§ 9884.7, subd. (a)(1), 9884.7,
18 subd. (a)(4), 17200 & 17500; Cal. Code Regs., tit 16, § 3371). The technician recommended
19 performing a fuel system service which would improve gas mileage. In fact, the manufacturer
20 does not recommend fuel system service or flushing, or engine oil flushing.

21 **FORTY-FIFTH CAUSE FOR DISCIPLINE**

22 **Untrue or Misleading Statements; Fraud; Unfair Competition (Engine Flush)**
23 **Business and Professions Code sections 9884.7, subdivision (a)(1), 9884.7, subdivision (a)(4),**
24 **17200, and 17500; and California Code of Regulations, title 16, section 3371**

25 79. The allegations in paragraph 76 are re-alleged and incorporated by reference as if
26 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
27 ARD 256316 to discipline for making untrue or misleading statements, fraud, and unfair
28 competition related to an engine flush. (Bus. & Prof. Code, §§ 9884.7, subd. (a)(1), 9884.7, subd.
(a)(4), 17200 & 17500; Cal. Code Regs., tit 16, § 3371). The technician said that an engine flush
would remove buildup on the bottom of the engine oil pan. In fact, the manufacturer does not

1 recommend fuel system service or flushing, or engine oil flushing.

2 **FORTY-SIXTH CAUSE FOR DISCIPLINE**
3 **False or Misleading Records**
4 **Business and Professions Code section 17500 and**
5 **California Code of Regulations, title 16, section 3373**

6 80. The allegations in paragraph 76 are re-alleged and incorporated by reference as if
7 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
8 ARD 256316 to discipline for issuing an invoice which stated the differential fluid level was
9 "N/A." (Bus. & Prof. Code, § 17500; Cal. Code Regs., tit. 16, § 3373). In fact, the car had a
10 differential and its fluid level was not checked because its fill plug appeared undisturbed.

11 **15. ARD 256315**

12 81. a. From May 31 to June 10, 2013, a Bureau representative inspected and
13 documented a 2000 Toyota with 130,740 miles. As part this extensive documented service
14 procedure, the representative inspected and serviced the car's air conditioning system to
15 manufacturer specifications, including the high and low side system operating pressures, and the
16 center air distribution outlet temperature. The air conditioning system was properly charged with
17 refrigerant. The air conditioning system performed normally, and the car ran and performed
18 normally. The check engine light was off. The engine oil was full.

19 b. The service manual does not specify servicing fuel injectors at any service
20 interval. It recommends servicing the car's fuel injectors only when they are clogged or blocked,
21 which may be shown by poor engine performance or the check engine light.

22 c. On June 12, 2013, a Bureau undercover operator drove the car to Jiffy
23 Lube #608, 2517 South El Camino Real, San Mateo, California. The mileage at that time was
24 130,758. The operator said he wanted an oil change. He was directed to the waiting area.

25 d. After a short time, a technician asked the operator when the air
26 conditioning system was last recharged. The operator said he did not remember. The technician
27 said that they had hooked up an electronic air conditioning machine to the car and that it indicated
28 that the refrigerant was low. He said that the machine indicated a yellow alert warning. The
technician said that this would not damage the car, but the system would blow warm and take a

1 very long time to cool. The technician said he would give a discount for the service because it
2 was the first time the operator had been to Jiffy Lube. The operator authorized the air
3 conditioning service.

4 e. The technician then asked the last time the fuel injectors had been cleaned.
5 The operator said he did not think a fuel injector service had ever been done to the car, and he
6 asked the technician if it was necessary. The technician said it was recommended that the fuel
7 injectors be cleaned every 15,000 miles or once a year, and the technician recommended that
8 service if it had not been done before. The technician showed the operator a computer animation
9 of an additive being poured into the gas tank cleaning the fuel system. He offered a discount for
10 that service as well. The operator authorized the fuel injector cleaning service.

11 f. The operator then signed and received a copy of an estimate.

12 g. After the services were completed, the operator gave the technician a
13 \$15.00 coupon. The operator paid \$207.58 (after a \$35.25 discount), including \$119.99 for the
14 air conditioning service and \$59.99 for the fuel system cleaning service. The invoice stated that
15 the engine oil was two quarts low on arrival at the station. The invoice did not record the air
16 conditioning high and low side system operating pressures, or the center air distribution outlet
17 temperature.

18 h. The Bureau representative re-inspected the car on June 26, 2013, at about
19 130,767 miles. The engine oil and oil filter had been changed. It was unclear if an air
20 conditioning service or a fuel system cleaning service had been performed.

21 **FORTY-SEVENTH CAUSE FOR DISCIPLINE**
22 **Untrue or Misleading Statements; Fraud; Unfair Competition (Air Conditioning)**
23 **Business and Professions Code sections 9884.7, subdivision (a)(1), 9884.7, subdivision (a)(4),**
24 **17200, and 17500; and California Code of Regulations, title 16, section 3371**

24 82. The allegations in paragraph 81 are re-alleged and incorporated by reference as if
25 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
26 ARD 256315 to discipline for making untrue or misleading statements, fraud, and unfair
27 competition related to the car's air conditioner system (Bus. & Prof. Code, §§ 9884.7, subd.
28 (a)(1), 9884.7, subd. (a)(4), 17200 & 17500; Cal. Code Regs., tit 16, § 3371). The technician said

1 that the car's refrigerant was low. In fact, the air conditioning system was properly charged with
2 refrigerant and performed normally. The air conditioning system did not need refrigerant or to be
3 serviced.

4 **FORTY-EIGHTH CAUSE FOR DISCIPLINE**

5 **Untrue or Misleading Statements; Fraud; Unfair Competition (Fuel System Cleaning)**
6 **Business and Professions Code sections 9884.7, subdivision (a)(1), 9884.7, subdivision (a)(4),**
7 **17200, and 17500; and California Code of Regulations, title 16, section 3371**

8 83. The allegations in paragraph 81 are re-alleged and incorporated by reference as if
9 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
10 ARD 256315 to discipline for making untrue or misleading statements, fraud, and unfair
11 competition related to the car's fuel injectors (Bus. & Prof. Code, §§ 9884.7, subd. (a)(1), 9884.7,
12 subd. (a)(4), 17200 & 17500; Cal. Code Regs., tit 16, § 3371). The technician said that it was
13 recommended that the fuel injectors be cleaned every 15,000 miles or once a year. In fact, the
14 service manual does not specify servicing fuel injectors at any service interval. It recommends
15 servicing the car's fuel injectors only when they are clogged or blocked, which may be shown by
16 poor engine performance or the check engine light. The fuel injectors did not need to be cleaned
or serviced.

17 **FORTY-NINTH CAUSE FOR DISCIPLINE**

18 **Failure to Give Written Estimate Before Beginning Work**
19 **Business and Professions Code section 9884.9, subdivision (a), and**
20 **California Code of Regulations, title 16, section 3353, subdivision (a)**

21 84. The allegations in paragraph 81 are re-alleged and incorporated by reference as if
22 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
23 ARD 256315 to discipline for failing to give a written estimate before inspecting and
24 recommending replacing the car's air conditioning system (Bus. & Prof. Code, § 9884.9, subd.
(a); Cal. Code Regs., tit. 16, § 3353, subd. (a)).

25 **FIFTIETH CAUSE FOR DISCIPLINE**

26 **False or Misleading Records**
27 **Business and Professions Code section 17500 and**
28 **California Code of Regulations, title 16, section 3373**

85. The allegations in paragraph 81 are re-alleged and incorporated by reference as if

1 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
2 ARD 256315 to discipline for issuing an invoice which stated that the engine oil was two quarts
3 low on arrival at the station (Bus. & Prof. Code, § 17500; Cal. Code Regs., tit. 16, § 3373). In
4 fact, the engine oil was full.

5 **FIFTY-FIRST CAUSE FOR DISCIPLINE**
6 **Failure to Record Air Conditioning Readings on Invoice**
7 **California Code of Regulations, title 16, section 3666, subdivision (a)(15) and (16)**

8 86. The allegations in paragraph 81 are re-alleged and incorporated by reference as if
9 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
10 ARD 256315 to discipline for failing to include the air conditioning high and low side system
11 operating pressures, or the center air distribution outlet temperature, on the invoice (Cal. Code
12 Regs., tit. 16, § 3666, subd. (a)(15) & (16)).

13 **16. ARD 256319**

14 87. a. From May 20 to May 22, 2013, a Bureau representative inspected and
15 documented a 1997 Honda with 74,811 miles. As part of this extensive documented service
16 procedure, the representative changed the car's transmission fluid, engine coolant, and power
17 steering fluids. The car drove normally.

18 b. The service manual does not specify performing an engine flush or a fuel
19 flush. In fact, the manufacturer strongly recommends avoiding using any flush system on its
20 vehicles.

21 c. On June 17, 2013, a Bureau undercover operator drove the car to Jiffy
22 Lube #889, 960 University Avenue, Berkeley, California. The mileage at this time was 74,822.
23 The operator said he wanted an oil change. He was directed to the waiting area.

24 d. After a short time, a technician said that the car's fuel injection system
25 needs to be flushed out every year or 15,000 miles. He said it would make the engine run better
26 and give the car better gas mileage. The operator authorized the fuel injection cleaning service.

27 e. After the services were completed, the operator paid \$105.83 (after a
28 \$15.00 discount), including \$59.99 for the fuel system cleaning.

f. The Bureau representative re-inspected the car on June 24, 2013, at 74,824

1 miles. The engine oil and filter had been changed. He could not determine if the engine had been
2 flushed or the fuel system had been cleaned.

3 **FIFTY-SECOND CAUSE FOR DISCIPLINE**
4 **Untrue or Misleading Statements; Fraud; Unfair Competition**
5 **Business and Professions Code sections 9884.7, subdivision (a)(1), 9884.7, subdivision (a)(4),**
6 **17200, and 17500; and California Code of Regulations, title 16, section 3371**

7 88. The allegations in paragraph 87 are re-alleged and incorporated by reference as if
8 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
9 ARD 256319 to discipline for making untrue or misleading statements, fraud, and unfair
10 competition related to the car's fuel system (Bus. & Prof. Code, §§ 9884.7, subd. (a)(1), 9884.7,
11 subd. (a)(4), 17200 & 17500; Cal. Code Regs., tit 16, § 3371). The technician said that the car's
12 fuel injection system needs to be flushed out every year or 15,000 miles. In fact, the service
13 manual does not specify a fuel system cleaning and the manufacturer strongly recommends
14 avoiding using any flush system on its vehicles. The fuel injection system did not need to be
15 cleaned or serviced.

16 **17. ARD 256317**

17 89. a. From June 7 to June 11, 2013, a Bureau representative inspected and
18 documented a 2000 Chevrolet with 116,149 miles. As part of this extensive documented service
19 procedure, the representative replaced the transmission fluid and filter. He installed a tamper
20 indicator on the differential fill plug.

21 b. The service manual specifies changing transmission fluid and filter under
22 normal use every 100,000 miles.

23 c. On June 17, 2013, a Bureau undercover operator drove the car to Jiffy
24 Lube #655, 374 Miller Avenue, Mill Valley, California. The mileage at the time was 116,158.
25 The operator said he wanted an oil change. He was directed to the waiting area.

26 d. After a short time, a technician told the operator that the manufacturer
27 recommended that the transmission fluid be replaced every 15,000 miles or once a year. The
28 operator said that he was unsure when the transmission fluid had been replaced; the technician
said he would inspect it.

- 1 e. The operator signed an estimate but did not receive a copy.
- 2 f. The technician returned very soon afterward and said that the transmission
- 3 fluid condition was fine.
- 4 g. After the services were completed, the operator paid \$57.66. The invoice
- 5 stated that the differential fluid level was "OK."
- 6 h. The Bureau representative re-inspected the car from June 17 to June 18,
- 7 2013, at 116,160 miles. The engine oil and filter had been replaced. The tamper seal on the
- 8 differential fill plug was intact and undisturbed.

9 **FIFTY-THIRD CAUSE FOR DISCIPLINE**
10 **Untrue or Misleading Statements**
11 **Business and Professions Code sections 9884.7, subdivision (a)(1)**

12 90. The allegations in paragraph 89 are re-alleged and incorporated by reference as if

13 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.

14 ARD 256317 to discipline for making untrue or misleading statements about the car's

15 transmission fluid service interval (Bus. & Prof. Code, § 9884.7, subd. (a)(1)). The technician

16 said that the manufacturer recommended that the transmission fluid be replaced every 15,000

17 miles or once a year. In fact, service manual specifies changing transmission fluid and filter

under normal use every 100,000 miles.

18 **FIFTY-FOURTH CAUSE FOR DISCIPLINE**
19 **Failure to Provide Copy of Signed Estimate**
20 **Business and Professions Code sections 9884.7, subdivision (a)(3), 9884.9, subdivision (a),**
21 **and California Code of Regulations, title 16, section 3353, subdivision (a)**

22 91. The allegations in paragraph 89 are re-alleged and incorporated by reference as if

23 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.

24 ARD 256317 to discipline for failing to provide a copy of the estimate to the operator at the time

25 he signed it and before a technician worked on the car (Bus. & Prof. Code, §§ 9884.7, subd.

(a)(3), 9884.9, subd. (a); Cal. Code Regs., tit. 16, § 3353, subd. (a)).

26 ///

27

28

FIFTY-FIFTH CAUSE FOR DISCIPLINE
False or Misleading Records
Business and Professions Code section 17500 and
California Code of Regulations, title 16, section 3373

92. The allegations in paragraph 89 are re-alleged and incorporated by reference as if fully set forth. Respondents have subjected Automotive Repair Dealer Registration No. ARD 256317 to discipline for issuing an invoice which stated that the differential fluid level was "OK" (Bus. & Prof. Code, § 17500; Cal. Code Regs., tit. 16, § 3373). In fact, the differential fluid level was not checked because the tamper indicator on the differential fill plug was intact and undisturbed.

18. ARD 256328

93. a. From June 11 to June 12, 2013, a Bureau representative inspected and documented a 1997 Honda with 113,462 miles. As part of this extensive documented service procedure, the representative re-inspected the fuel filter which had been installed at 113,446 miles. It was still in good and serviceable condition.

b. On June 20, 2013, a Bureau undercover operator drove the car to Jiffy Lube #1403, 2099 Camino Ramon, San Ramon, California. The mileage at the time was 113,467. The operator requested an oil change. He was directed to the waiting area.

c. After a short time, a service technician told the operator that the car's fuel filter was dirty and clogged and needed to be replaced. The operator authorized the service.

d. The operator signed an estimate but did not receive a copy.

e. After the services were completed, the operator paid \$235.44 (after an \$11.00 discount), including \$59.99 for the fuel filter installation.

f. The Bureau representative re-inspected the car on June 20, 2013, at 113,468 miles. The engine oil and filter had been changed. The fuel filter had been changed.

FIFTY-SIXTH CAUSE FOR DISCIPLINE
Untrue or Misleading Statements; Fraud; Unfair Competition
Business and Professions Code sections 9884.7, subdivision (a)(1), 9884.7, subdivision (a)(4),
17200, and 17500; and California Code of Regulations, title 16, section 3371

94. The allegations in paragraph 93 are re-alleged and incorporated by reference as if

1 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
2 ARD 256328 to discipline for making untrue or misleading statements, fraud, and unfair
3 competition related to the car's fuel filter (Bus. & Prof. Code, §§ 9884.7, subd. (a)(1), 9884.7,
4 subd. (a)(4), 17200 & 17500; Cal. Code Regs., tit 16, § 3371). The technician said that the car's
5 fuel filter was dirty and clogged and needed to be replaced. In fact, the fuel filter had been
6 installed just before the car was taken to the station, and was still in good and serviceable
7 condition. The fuel filter did not need to be replaced.

8 **FIFTY-SEVENTH CAUSE FOR DISCIPLINE**

9 **Failure to Provide Copy of Signed Estimate**

10 **Business and Professions Code sections 9884.7, subdivision (a)(3), 9884.9, subdivision (a),
and California Code of Regulations, title 16, section 3353, subdivision (a)**

11 95. The allegations in paragraph 93 are re-alleged and incorporated by reference as if
12 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
13 ARD 256328 to discipline for failing to provide a copy of the estimate to the operator at the time
14 he signed it and before a technician worked on the car (Bus. & Prof. Code, §§ 9884.7, subd.
15 (a)(3), 9884.9, subd. (a); Cal. Code Regs., tit. 16, § 3353, subd. (a)).

16 **19. ARD 256320**

17 96. a. From June 11 to June 12, 2013, a Bureau representative inspected and
18 documented a 1997 Honda.

19 b. On June 20, 2013, a Bureau undercover operator drove the car to Jiffy
20 Lube #1054, 530 South Ramon Valley, Danville, California. The operator asked for an oil
21 change. He signed an estimate but did not receive a copy.

22 **FIFTY-EIGHTH CAUSE FOR DISCIPLINE**

23 **Failure to Provide Copy of Signed Estimate**

24 **Business and Professions Code sections 9884.7, subdivision (a)(3), 9884.9, subdivision (a),
and California Code of Regulations, title 16, section 3353, subdivision (a)**

25 97. The allegations in paragraph 96 are re-alleged and incorporated by reference as if
26 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
27 ARD 256320 to discipline for failing to provide a copy of the estimate to the operator at the time
28 he signed it and before a technician worked on the car (Bus. & Prof. Code, §§ 9884.7, subd.

1 (a)(3), 9884.9, subd. (a); Cal. Code Regs., tit. 16, § 3353, subd. (a)).

2 **20. ARD 256318**

3 98. a. From June 5 to June 19, 2013, a Bureau representative inspected and
4 documented a 2000 Toyota with 95,924 miles. As part this extensive documented service
5 procedure, the representative drained the engine coolant from the radiator and refilled it with new
6 coolant, which was red in color. He installed tamper indicators on the engine block coolant drain,
7 radiator drain, radiator cap, and radiator hose connections. He also installed tamper indicators on
8 the differential drain and fill plugs. The car ran and performed normally.

9 b. On June 24, 2013, a Bureau undercover operator drove the car to Jiffy
10 Lube #803, 4300 Sonoma Boulevard, Vallejo, California. The mileage at the time was 95,938.
11 The operator said he wanted an oil change. He was directed to the waiting area.

12 c. After a short time, a technician told the operator that he tried to remove the
13 radiator cap and found that the radiator was boiling over, which meant that the car needed a
14 cooling system service. He said that the car was overheating. The technician said that this
15 service is recommended every 2 years or 30,000 miles. The technician offered a 15 percent
16 discount on the service. The operator authorized the cooling system service.

17 d. The operator signed an estimate but did not receive a copy.

18 e. After the services were completed, the operator paid \$116.34 (after a
19 \$19.50 discount), including \$89.99 for the cooling system service. The invoice stated the cooling
20 service performed was "Radiator, Flush&Fill." It also stated that the differential fluid level was
21 "OK."

22 f. The Bureau representative re-inspected the car on June 26 to June 27,
23 2013, at 95,949. miles. The engine oil and filter had been changed. All tamper indicators on the
24 engine cooling system, except for the one on the radiator cap, were still intact and undisturbed.
25 The coolant reservoir contained yellow coolant, but inside the radiator the coolant was still red
26 with yellow coolant in the area where the reservoir tank hose connects to the radiator. The
27 tamper indicators on the differential drain and fill plugs were still in place and undisturbed.

28 ///

1 **FIFTY-NINTH CAUSE FOR DISCIPLINE**
2 **Untrue or Misleading Statements; Fraud; Unfair Competition**
3 **Business and Professions Code sections 9884.7, subdivision (a)(1), 9884.7, subdivision (a)(4),**
4 **17200, and 17500; and California Code of Regulations, title 16, section 3371**

5 99. The allegations in paragraph 98 are re-alleged and incorporated by reference as if
6 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
7 ARD 256318 to discipline for making untrue or misleading statements, fraud, and unfair
8 competition related to servicing the car's cooling system (Bus. & Prof. Code, §§ 9884.7, subd.
9 (a)(1), 9884.7, subd. (a)(4), 17200 & 17500; Cal. Code Regs., tit 16, § 3371). The technician said
10 he tried to remove the radiator cap and found that the car was boiling over, which meant that the
11 car needed a cooling system service. He said that the car was overheating. In fact, the car's
12 coolant had been replaced. The cooling system was performing normally and did not need to be
13 serviced.

14 **SIXTIETH CAUSE FOR DISCIPLINE**
15 **Material Departure from Accepted Trade Standards for Good and Workmanlike Repair**
16 **Business and Professions Code section 9884.7, subdivision (a)(7)**

17 100. The allegations in paragraph 98 are re-alleged and incorporated by reference as if
18 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
19 ARD 256318 to discipline for materially departing from accepted trade standards for good and
20 workmanlike repair by failing to drain and fill the engine coolant system (Bus. & Prof. Code, §
21 9884.7, subd. (a)(7)). The invoice stated the cooling service performed was "Radiator,
22 Flush&Fill." In fact, the radiator coolant was not drained and filled because all the tamper
23 indicators on the engine cooling system, except for the one on the radiator cap, were still intact
24 and undisturbed. Moreover, the coolant reservoir contained coolant which was yellow in color,
25 but the coolant inside the radiator still was red in color with yellow coolant in the area where the
26 reservoir tank hose connects to the radiator.

27 **SIXTY-FIRST CAUSE FOR DISCIPLINE**
28 **Failure to Provide Copy of Signed Estimate**
29 **Business and Professions Code sections 9884.7, subdivision (a)(3), 9884.9, subdivision (a),**
30 **and California Code of Regulations, title 16, section 3353, subdivision (a)**

31 101. The allegations in paragraph 98 are re-alleged and incorporated by reference as if

1 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
2 ARD 256318 to discipline for failing to provide a copy of the estimate to the operator at the time
3 he signed it and before a technician worked on the car (Bus. & Prof. Code, §§ 9884.7, subd.
4 (a)(3), 9884.9, subd. (a); Cal. Code Regs., tit. 16, § 3353, subd. (a)).

5 **SIXTY-SECOND CAUSE FOR DISCIPLINE**
6 **False or Misleading Records**
7 **Business and Professions Code section 17500 and**
8 **California Code of Regulations, title 16, section 3373**

9 102. The allegations in paragraph 98 are re-alleged and incorporated by reference as if
10 fully set forth. Respondent has subjected Automotive Repair Dealer Registration No.
11 ARD 256318 to discipline for issuing an invoice which stated that the differential fluid level was
12 "OK" (Bus. & Prof. Code, § 17500; Cal. Code Regs., tit. 16, § 3373). In fact, the differential
13 fluid level was not checked because the tamper indicators on the differential drain and fill plugs
14 were still intact and undisturbed.

15 **21. ARD 256330**

16 103. a. From June 5 to June 10, 2013, a Bureau representative inspected and
17 documented a 1997 Oldsmobile with 107,564 miles.

18 b. On June 24, 2013, a Bureau undercover operator drove the car to Jiffy
19 Lube #1405, 1219 Concord Avenue, Concord, California. The mileage at the time was 107,593.
20 The operator said he wanted an oil change. He signed an estimate but did not receive a copy.

21 **SIXTY-THIRD CAUSE FOR DISCIPLINE**
22 **Failure to Provide Copy of Signed Estimate**
23 **Business and Professions Code sections 9884.7, subdivision (a)(3), 9884.9, subdivision (a),**
24 **and California Code of Regulations, title 16, section 3353, subdivision (a)**

25 104. The allegations in paragraph 103 are re-alleged and incorporated by reference as if
26 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No. ARD
27 256330 to discipline for failing to provide a copy of the estimate to the operator at the time he
28 signed it and before a technician worked on the car (Bus. & Prof. Code, §§ 9884.7, subd. (a)(3),
9884.9, subd. (a); Cal. Code Regs., tit. 16, § 3353, subd. (a)).

///

22. ARD 256313

105. a. From June 6 to June 12, 2013, a Bureau representative inspected and documented a 2001 Chevrolet with 117,657 miles. As part this extensive documented service procedure, the representative ensured that the engine oil was full. He installed a new air filter. The power steering fluid reservoir is opaque; the representative installed a tamper indicator on the reservoir cap.

b. On June 25, 2013, a Bureau undercover operator drove the car to Jiffy Lube #510, 4500 Clayton Road, Concord, California. The mileage at the time was 117,670. The operator said he wanted an oil change. He was directed to the waiting area.

c. After a short time, a technician talked with the operator about the car's prior service history. The operator asked the technician to look at the car to see what services are needed. During the technician's inspection, she tore a piece out of the air filter when she removed it.

d. Some time later, another service technician told the operator that there was no oil on the car's dipstick. The technician said that the oil may have been old and the engine probably just needs a flush.

e. After the services were completed, the operator paid \$42.37 (after a \$15.00 discount). The invoice stated that the power steering fluid level was "OK" and that the engine oil was two quarts low on arrival at the station.

f. The Bureau representative re-inspected the car on June 27, 2013, at 117,675 miles. The engine oil and filter had been changed. The tamper indicator on the power steering reservoir cap was intact and undisturbed. A piece of sealing foam, which was big enough to allow dust and debris to enter the engine, was missing from the air filter.

SIXTY-FOURTH CAUSE FOR DISCIPLINE

**Material Departure from Accepted Trade Standards for Good and Workmanlike Repair
Business and Professions Code section 9884.7, subdivision (a)(7)**

106. The allegations in paragraph 105 are re-alleged and incorporated by reference as if fully set forth. Respondents have subjected Automotive Repair Dealer Registration No. ARD 256313 to discipline for materially departing from accepted trade standards for good and

workmanlike repair for tearing a piece out of the air filter when removing it for inspection (Bus. & Prof. Code, § 9884.7, subd. (a)(7)).

SIXTY-FIFTH CAUSE FOR DISCIPLINE
False or Misleading Records
California Code of Regulations, title 16, section 3373

107. The allegations in paragraph 105 are re-alleged and incorporated by reference as if fully set forth. Respondents have subjected Automotive Repair Dealer Registration No. ARD 256313 to discipline for issuing an invoice which stated that the power steering fluid level was "OK" and that the engine oil was two quarts low on arrival at the station (Cal. Code Regs., tit. 16, § 3373). In fact, the power steering fluid was not checked because the tamper indicator on the power steering fluid reservoir cap was intact and undisturbed. Additionally, the engine oil was full.

23. ARD 256341

108. a. From June 10 to June 14, 2013, a Bureau representative inspected and documented a 2007 Pontiac with 154,265 miles. As part of this extensive documented service procedure, the representative verified that the engine coolant had the proper level of freeze protection, and normal color and clarity. The power steering fluid reservoir is opaque; the representative installed a tamper indicator on the reservoir cap. The engine oil was full.

b. On June 25, 2013, a Bureau undercover operator drove the car to Jiffy Lube #2335, 2190 North Broadway, Walnut Creek, California. The mileage was 154,272. The operator said he wanted an oil change. He was directed to the waiting area.

c. After a short time, a technician told the operator that the car's coolant looked very dirty and the car should have a coolant flush service. He showed the open coolant reservoir tank to the operator and said that the coolant's color was not correct. The operator authorized the coolant flush service and asked to use a coupon.

d. The operator signed an estimate but did not receive a copy.

e. After the services were completed, the operator paid \$121.28 (after a \$28.50 discount), including \$89.99 for the coolant flush service. The invoice stated that there was coolant rust. It also stated that the power steering fluid level was "OK," and the engine oil was

1 one quart low on arrival at the station.

2 f. The Bureau representative re-inspected the car on July 2, 2013, at 154,278
3 miles. The engine oil and oil filter had been changed. The tamper indicator on the power
4 steering reservoir cap was intact and undisturbed.

5 **SIXTY-SIXTH CAUSE FOR DISCIPLINE**
6 **Untrue or Misleading Statements; Fraud; Unfair Competition**
7 **Business and Professions Code sections 9884.7, subdivision (a)(1), 9884.7, subdivision (a)(4),**
8 **17200, and 17500; and California Code of Regulations, title 16, section 3371**

9 109. The allegations in paragraph 108 are re-alleged and incorporated by reference as if
10 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
11 ARD 256341 to discipline for making untrue or misleading statements, fraud, and unfair
12 competition related to the car's cooling system (Bus. & Prof. Code, §§ 9884.7, subd. (a)(1),
13 9884.7, subd. (a)(4), 17200 & 17500; Cal. Code Regs., tit 16, § 3371). The technician said that
14 the car's coolant looked very dirty and was not correct, and the car should have a coolant flush
15 service. In fact, the car's cooling system engine coolant had the proper level of freeze protection,
16 and normal color and clarity. The cooling system did not need to be serviced.

17 **SIXTY-SEVENTH CAUSE FOR DISCIPLINE**
18 **Failure to Provide Copy of Signed Estimate**
19 **Business and Professions Code sections 9884.7, subdivision (a)(3), 9884.9, subdivision (a),**
20 **and California Code of Regulations, title 16, section 3353, subdivision (a)**

21 110. The allegations in paragraph 108 are re-alleged and incorporated by reference as if
22 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
23 ARD 256341 to discipline for failing to provide a copy of the estimate to the operator at the time
24 he signed it and before a technician worked on the car (Bus. & Prof. Code, §§ 9884.7, subd.
25 (a)(3), 9884.9, subd. (a); Cal. Code Regs., tit. 16, § 3353, subd. (a)).

26 **SIXTY-EIGHTH CAUSE FOR DISCIPLINE**
27 **False or Misleading Records**
28 **California Code of Regulations, title 16, section 3373**

111. The allegations in paragraph 108 are re-alleged and incorporated by reference as if
fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
ARD 256341 to discipline for issuing an invoice which stated that there was coolant rust, the

1 power steering fluid level was "OK," and the engine oil was one quart low on arrival at the station
2 (Cal. Code Regs., tit. 16, § 3373). In fact, the coolant had normal color and clarity. The power
3 steering fluid was not checked because the tamper indicator on the power steering fluid reservoir
4 cap was intact and undisturbed. Finally, the engine oil was full.

5 **24. ARD 256437**

6 112. a. On about June 19, 2013, a Bureau representative inspected and
7 documented a 1997 Chevrolet with 59,353 miles. As part this extensive documented service
8 procedure, the representative ensured that the tamper indicator he installed on the differential fill
9 plug during a previous documented service procedure he conducted on or about May 15, 2013,
10 was still intact and undisturbed. The car's chassis has 11 grease fittings to lubricate.

11 b. On July 26, 2013, a Bureau undercover operator drove the car to Jiffy Lube
12 #1166, 30197 Cedar Boulevard, Newark, California. The mileage at the time was 59,361. The
13 operator said he wanted an oil change. He was directed to the waiting area.

14 c. After the services were performed, the operator received an invoice which
15 stated that the differential fluid level was "OK." The invoice also stated that four fittings were
16 lubricated on the chassis.

17 d. The Bureau representative re-inspected the car on August 15, 2013, at
18 59,362 miles. The engine oil and filter had been replaced. The tamper indicator on the
19 differential fill plug was still intact and undisturbed. Six of the 11 grease fittings had been
20 lubricated.

21 **SIXTY-NINTH CAUSE FOR DISCIPLINE**
22 **Material Departure from Accepted Trade Standards for Good and Workmanlike Repair**
23 **Business and Professions Code section 9884.7, subdivision (a)(7)**

24 113. The allegations in paragraph 112 are re-alleged and incorporated by reference as if
25 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
26 ARD 256437 to discipline for materially departing from accepted trade standards for good and
27 workmanlike repair by failing to lubricate all 11 grease fittings on the car (Bus. & Prof. Code,
28 § 9884.7, subd. (a)(7)).

///

SEVENTIETH CAUSE FOR DISCIPLINE
False or Misleading Records
Business and Professions Code section 17500 and
California Code of Regulations, title 16, section 3373

114. The allegations in paragraph 112 are re-alleged and incorporated by reference as if fully set forth. Respondents have subjected Automotive Repair Dealer Registration No. ARD 256437 to discipline for issuing an invoice which stated that the vehicle's differential fluid level was "OK" (Bus. & Prof. Code, § 17500; Cal. Code Regs., tit. 16, § 3373). In fact, the differential fluid was not checked because the tamper indicator on the differential fill plug was still intact and undisturbed.

25. ARD 256342

115. a. From June 25 to June 27, 2013, a Bureau representative inspected documented a 1996 Toyota with 73,326 miles. As part this extensive documented service procedure, the representative ensured that the engine oil and differential fluid were full. The battery was not maintenance free and had caps to add water. The car had no leaks and performed normally.

b. On July 29, 2013, a Bureau undercover operator drove the car to Jiffy Lube #2339, 2795 El Camino Real, Santa Clara, California. The mileage at the time was 73,330. The operator said he wanted an oil change. He signed an estimate but did not receive a copy.

c. After the services were completed, he received an invoice which stated that the battery was maintenance free and the differential fluid level was "N/A." The invoice also stated that engine oil was one-half quart low on arrival at the station and there were minor transmission fluid and oil leaks.

d. The Bureau representative re-inspected the car on August 12, 2013, at 73,332 miles. The engine oil and filter had been changed. The car had no leaks.

SEVENTY-FIRST CAUSE FOR DISCIPLINE
Failure to Provide Copy of Signed Estimate
Business and Professions Code sections 9884.7, subdivision (a)(3), 9884.9, subdivision (a),
and California Code of Regulations, title 16, section 3353, subdivision (a)

116. The allegations in paragraph 115 are re-alleged and incorporated by reference as if

1 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
2 ARD 256342 to discipline for failing to provide a copy of the estimate to the operator at the time
3 he signed it and before a technician worked on the car (Bus. & Prof. Code, §§ 9884.7, subd.
4 (a)(3), 9884.9, subd. (a); Cal. Code Regs., tit. 16, § 3353, subd. (a)).

5 **SEVENTY-SECOND CAUSE FOR DISCIPLINE**
6 **False or Misleading Records**
7 **California Code of Regulations, title 16, section 3373**

8 117. The allegations in paragraph 115 are re-alleged and incorporated by reference as if
9 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
10 ARD 256342 to discipline for issuing an invoice which stated that the battery was maintenance
11 free, the differential fluid level was "N/A," the engine oil was one-half quart low on arrival at the
12 station, and there were minor transmission fluid and oil leaks (Cal. Code Regs., tit. 16, § 3373).
13 In fact, the battery was not maintenance free and had caps to add water, differential fluid and
14 engine oil were full, and the car had no leaks

15 **26. ARD 256344**

16 118. a. From June 17 to June 18, 2013, a Bureau representative inspected and
17 documented a 1997 Toyota with 149,247 miles. As part of the extensive documented service
18 procedure, the representative ensured that the car drove normally, ran smoothly, and the check
19 engine light was off.

20 b. The service manual does not specify a service interval for the fuel injectors.
21 If the injectors are clogged or blocked, the car does not drive properly and the car's computer
22 registers a trouble code which causes the check engine light to go on. The manual outlines an
23 injector cleaning process if the injectors are clogged or blocked.

24 c. On July 30, 2013, a Bureau undercover operator drove the car to Jiffy Lube
25 #2345, 884 Blossom Hill Road, San Jose, California. The mileage at the time was 149,257. The
26 operator requested an oil change. He was directed to the waiting area.

27 d. After a short time, a technician told the operator that a fuel system cleaning
28 should be performed on the car at least once a year. He said that the service cleans out all the
carbon deposits from the inside of the engine and intake lines as well. The technician told the

operator that carbon deposits accumulate on the fuel injectors over time and clog them up, and that Jiffy Lube's fuel system cleaning removes the carbon deposit build up. The fuel system cleaning service improves the fuel mileage as well. The operator asked if he could get a discount for this service; the technician said he would deduct 10 percent from the price. The operator authorized the fuel system cleaning service.

e. The operator signed an estimate but did not receive a copy.

f. After the repairs were completed, the operator paid \$107.23 (after a \$13.00 discount), including \$59.99 for the fuel system cleaning.

g. The Bureau representative re-inspected the car on or about August 5, 2013, at 149,263 miles. The engine oil and filter had been changed. He could not determine if the fuel system had been cleaned.

SEVENTY-THIRD CAUSE FOR DISCIPLINE
Untrue or Misleading Statements; Fraud; Unfair Competition
Business and Professions Code sections 9884.7, subdivision (a)(1), 9884.7, subdivision (a)(4), 17200, and 17500; and California Code of Regulations, title 16, section 3371

119. The allegations in paragraph 118 are re-alleged and incorporated by reference as if fully set forth. Respondents have subjected Automotive Repair Dealer Registration No. ARD 256344 to discipline for making untrue or misleading statements, fraud, and unfair competition related to the car's fuel system (Bus. & Prof. Code, §§ 9884.7, subd. (a)(1), 9884.7, subd. (a)(4), 17200 & 17500; Cal. Code Regs., tit 16, § 3371). The technician said that a fuel system cleaning should be performed on the car at least once a year which removes carbon deposits from the engine and fuel injectors. In fact, the service manual does not specify a service interval for the fuel injectors. If the injectors are clogged or blocked, the car does not drive properly and the car's computer registers a trouble code which causes the check engine light to go on. The manual outlines an injector cleaning process if the injectors are clogged or blocked. The car drove normally, ran smoothly, and the check engine light was off. The car did not need its fuel system cleaned.

///

SEVENTY-FOURTH CAUSE FOR DISCIPLINE
Failure to Provide Copy of Signed Estimate
Business and Professions Code sections 9884.7, subdivision (a)(3), 9884.9, subdivision (a),
and California Code of Regulations, title 16, section 3353, subdivision (a)

120. The allegations in paragraph 118 are re-alleged and incorporated by reference as if fully set forth. Respondents have subjected Automotive Repair Dealer Registration No. ARD 256344 to discipline for failing to provide a copy of the estimate to the operator at the time he signed it and before a technician worked on the car (Bus. & Prof. Code, §§ 9884.7, subd. (a)(3), 9884.9, subd. (a); Cal. Code Regs., tit. 16, § 3353, subd. (a)).

27. ARD 256349

121. a. A Bureau representative inspected and documented a 1997 Oldsmobile with 107,564 miles. As part of this extensive documented service procedure, the representative changed the transmission fluid. He lightly tinted the fluid to simulate fluid in normal service but within normal operating color. From July 30 to August 2, 2013, at 107,603 miles, the representative conducted a thorough re-inspection of the car. He found the transmission fluid in good condition and not needing to be replaced.

b. The service manual specifies changing the transmission fluid and filter every 50,000 miles under severe use. Under normal use, the transmission fluid does not need to be changed.

c. On August 8, 2013, a Bureau undercover operator drove the car to respondents dba Jiffy Lube #2350, 2415 Fremont Street, Monterey, California. The mileage was 107,622. The operator said he wanted an oil change. He was directed to the waiting area.

d. After a short time, a technician told the operator that the manufacturer recommended changing the transmission fluid at that time. The technician said that it should be changed every year. The operator asked if the station also changes the filter with the transmission fluid; the technician said that they replace the fluid but not the filter. The operator authorized the transmission fluid exchange.

e. After the services were completed, the operator paid \$166.84 (after a \$15.00 discount), including \$119.99 for the transmission fluid exchange.

1 f. The Bureau representative re-inspected the car on August 9, 2013, at
2 107,624 miles. The engine oil and filter had been changed. The transmission fluid had been
3 changed.

4 **SEVENTY-FIFTH CAUSE FOR DISCIPLINE**
5 **Untrue or Misleading Statements; Fraud; Unfair Competition**
6 **Business and Professions Code sections 9884.7, subdivision (a)(1), 9884.7, subdivision (a)(4),**
7 **17200, and 17500; and California Code of Regulations, title 16, section 3371**

8 122. The allegations in paragraph 121 are re-alleged and incorporated by reference as if
9 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
10 ARD 256349 to discipline for making untrue or misleading statements, fraud, and unfair
11 competition related to the car's transmission fluid (Bus. & Prof. Code, §§ 9884.7, subd. (a)(1),
12 9884.7, subd. (a)(4), 17200 & 17500; Cal. Code Regs., tit 16, § 3371). The technician said that
13 the manufacturer recommended that the transmission fluid should be changed every year. In fact,
14 the service manual specifies changing the transmission fluid and filter every 50,000 miles under
15 severe use. Under normal use, the transmission fluid does not need to be changed. The
16 transmission fluid did not need to be changed.

17 **28. ARD 256346**

18 123. a. A Bureau representative documented a 2000 Chevrolet with 116,131 miles.
19 As part of this extensive documented service procedure, the representative replaced the
20 differential fluid and put a tamper indicator on the fill plug. From July 30 to August 7, 2013, the
21 representative conducted a thorough re-inspection of the car at 116,160 miles. He verified that
22 the tamper indicator on the differential fill plug was intact. He also filled the engine oil.

23 b. On August 12, 2013, a Bureau undercover operator drove the car to Jiffy
24 Lube #2352, 6305 Jarvis Avenue, Newark, California. The mileage at the time was 116,169. The
25 operator said he wanted an oil change. He was directed to the waiting area.

26 c. After a short time, a technician told the operator that the differential fluid
27 was gray and had built up a lot of metal shavings. The technician recommended changing the
28 differential fluid and offered to show the operator a sample of the fluid that was in the
differential. The technician explained that buying a station coupon book ultimately would save

1 money on the fluid replacement service. The operator authorized the differential fluid change.

2 d. The operator signed an estimate but did not receive a copy.

3 e. After the services were completed, the operator paid \$82.55 (after a \$22.00
4 discount), including \$55.99 for the differential fluid exchange. The invoice stated that the engine
5 oil was one quart low at arrival.

6 f. The Bureau representative re-inspected the car on August 14, 2013, at
7 116,174 miles. The engine oil and filter had been replaced. The differential fluid had been
8 replaced.

9 **SEVENTY-SIXTH CAUSE FOR DISCIPLINE**
10 **Untrue or Misleading Statements; Fraud; Unfair Competition**
11 **Business and Professions Code sections 9884.7, subdivision (a)(1), 9884.7, subdivision (a)(4),**
12 **17200, and 17500, and California Code of Regulations, title 16, section 3371**

12 124. The allegations in paragraph 123 are re-alleged and incorporated by reference as if
13 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
14 ARD 256346 to discipline for making untrue or misleading statements, fraud, and unfair
15 competition related to the car differential fluid (Bus. & Prof. Code, §§ 9884.7, subd. (a)(1),
16 9884.7, subd. (a)(4), 17200 & 17500; Cal. Code Regs., tit 16, § 3371). The technician said that
17 the differential fluid was gray and had built up a lot of metal shavings, and recommended
18 changing the differential fluid. In fact, the differential fluid had been replaced less than 40 miles
19 before the car was taken to the station. The differential fluid did not need to be changed.

20 **SEVENTY-SEVENTH CAUSE FOR DISCIPLINE**
21 **Failure to Provide Copy of Signed Estimate**
22 **Business and Professions Code sections 9884.7, subdivision (a)(3), 9884.9, subdivision (a),**
23 **and California Code of Regulations, title 16, section 3353, subdivision (a)**

23 125. The allegations in paragraph 123 are re-alleged and incorporated by reference as if
24 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
25 ARD 256346 to discipline for failing to provide a copy of the estimate to the operator at the time
26 he signed it and before a technician worked on the car (Bus. & Prof. Code, §§ 9884.7, subd.
27 (a)(3), 9884.9, subd. (a); Cal. Code Regs., tit. 16, § 3353, subd. (a)).

28 ///

SEVENTY-EIGHTH CAUSE FOR DISCIPLINE
False or Misleading Records
Business and Professions Code section 17500 and
California Code of Regulations, title 16, section 3373

126. The allegations in paragraph 123 are re-alleged and incorporated by reference as if fully set forth. Respondents have subjected Automotive Repair Dealer Registration No. ARD 256346 to discipline for issuing an invoice which stated that the engine oil was one quart low at arrival (Bus. & Prof. Code, § 17500; Cal. Code Regs., tit. 16, § 3373). In fact, the engine oil was full.

29. ARD 256362

127. a. A Bureau representative inspected and documented a 1996 Honda with 74,821 miles. As part of this extensive documented service procedure, the representative drained the engine cooling system. He repeatedly refilled it with water, ran the engine, and drained it until it was clear. He then refilled the system with 50 percent coolant from the manufacturer (which is blue) and 50 percent distilled water. He installed tamper indicators on the transmission fill and drain plugs. From August 6 to August 14, 2013, the representative conducted a thorough re-inspection of the car at 74,824 miles. The engine coolant was a mixture of 50 percent coolant and 50 percent water, clean, and full. The tamper indicators on the transmission fill and drain plugs were intact and undisturbed.

b. The service manual specifies replacing the engine coolant at 36 months or 45,000 miles, 60 months or 75,000 miles, and 84 months or 105,000 miles. It does not specify performing an coolant flush. In fact, the manufacturer strongly recommends avoiding using any flush system on its vehicles.

c. On August 19, 2013, a Bureau undercover operator drove the car to Jiffy Lube #1297, 4195 El Camino Real, Palo Alto, California. The mileage at the time was 74,830. The operator said he wanted an oil change. He was directed to the waiting area.

d. After a short time, a technician asked the operator the last time the radiator was flushed out. The technician said that the coolant is supposed to be flushed every 30,000 miles. He said that the color of the coolant was off which meant that it was worn out. He warned

1 that if the coolant was not flushed, it would lead to overheating and cause damage to the engine.
2 He recommended the engine coolant be flushed out due to its abnormal color. The operator said
3 he had found a \$15.00 coupon but could not print it; the technician said he still would honor it.
4 The operator authorized the cooling system flush.

5 e. The operator then signed and received a copy of an estimate.

6 f. After the services were completed, the technician told the operator that
7 there was a lot of sludge in the radiator but they were able to remove it. He added that the car
8 really needed the coolant flush. The operator paid \$120.57 (after a \$15.00 discount), including
9 \$89.99 for the radiator flush. The invoice stated the transmission fluid level was "N/A."

10 g. The Bureau representative re-inspected the car on August 22, 2013, at
11 74,832 miles. The engine oil, filter, and coolant had been replaced. The tamper indicators on the
12 transmission drain and fill plugs were intact and undisturbed.

13 **SEVENTY-NINTH CAUSE FOR DISCIPLINE**
14 **Untrue or Misleading Statements; Fraud; Unfair Competition**
15 **Business and Professions Code sections 9884.7, subdivision (a)(1), 9884.7, subdivision (a)(4),**
16 **17200, and 17500; and California Code of Regulations, title 16, section 3371**

16 128. The allegations in paragraph 127 are re-alleged and incorporated by reference as if
17 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
18 ARD 256362 to discipline for making untrue or misleading statements, fraud, and unfair
19 competition related to the car's cooling system (Bus. & Prof. Code, §§ 9884.7, subd. (a)(1),
20 9884.7, subd. (a)(4), 17200 & 17500; Cal. Code Regs., tit 16, § 3371). The technician said that
21 the color of the coolant was off which meant that it was worn out. He recommended the engine
22 coolant be flushed out due to its abnormal color. After the service was completed, he said that
23 there was a lot of sludge in the radiator but they were able to remove it. He added that the car
24 really needed the coolant flush. In fact, the coolant was properly mixed, clean, and full. The
25 service manual does not specify performing a coolant flush. The manufacturer strongly
26 recommends avoiding using any flush system on its vehicles. The car's cooling system did not
27 need to be serviced.

28 ///

EIGHTIETH CAUSE FOR DISCIPLINE
Failure to Give Written Estimate Before Beginning Work
Business and Professions Code section 9884.9, subdivision (a), and
California Code of Regulations, title 16, section 3353, subdivision (a)

129. The allegations in paragraph 127 are re-alleged and incorporated by reference as if fully set forth. Respondents have subjected Automotive Repair Dealer Registration No. ARD 256362 to discipline for failing to give a written estimate before inspecting and recommending replacing the car's coolant (Bus. & Prof. Code, § 9884.9, subd. (a); Cal. Code Regs., tit. 16, § 3353, subd. (a)).

EIGHTY-FIRST CAUSE FOR DISCIPLINE
False or Misleading Records
California Code of Regulations, title 16, section 3373

130. The allegations in paragraph 127 are re-alleged and incorporated by reference as if fully set forth. Respondents have subjected Automotive Repair Dealer Registration No. ARD 256362 to discipline for issuing an invoice which stated that the transmission fluid level was "N/A" (Cal. Code Regs., tit. 16, § 3373). In fact, the transmission fluid level could be checked and the tamper indicators on the transmission were intact and undisturbed.

30. ARD 256364

131. a. From July 30 to August 2, 2013, a Bureau representative inspected and documented a 2000 Toyota with 95,949 miles. As part of this extensive documented service procedure, the representative ensured that the brake fluid was at the proper level.

b. The manufacturer recommends "API grade SH, energy-conserving II multigrade engine oil or ILSAC multigrade engine oil and recommended viscosity oil with SAE 5W-30 being the preferred oil." The manufacturer makes no recommendation for synthetic oil.

c. On August 21, 2013, a Bureau undercover operator drove the car to Jiffy Lube #2351, 865 Abrego Street, Monterey, California. The mileage at the time was 95,957. The operator said he wanted an oil change. He was directed to the waiting area.

d. After a short time, the technician talked to the operator about what engine oil change option he wanted. The operator asked the technician what the manufacturer recommends. The technician said that the manufacturer recommends a synthetic blend oil instead

1 of regular oil because it lasts longer and has 10 percent less wear on the piston rings. The
2 operator authorized the synthetic oil change.

3 e. After the services were completed, the operator paid the invoice, including
4 \$54.99 for the synthetic oil change. The invoice stated that the battery was maintenance free and
5 the brake fluid was low.

6 f. The Bureau representative re-inspected the car on August 23, 2013, at
7 95,961 miles. The engine oil and filter had been changed. The car had a battery which was not
8 maintenance free and had caps to add water. The brake fluid still was at the proper level.

9 **EIGHTY-SECOND CAUSE FOR DISCIPLINE**
10 **Untrue or Misleading Statements; Fraud; Unfair Competition**
11 **Business and Professions Code sections 9884.7, subdivision (a)(1), 9884.7, subdivision (a)(4),**
12 **17200, and 17500; and California Code of Regulations, title 16, section 3371**

13 132. The allegations in paragraph 131 are re-alleged and incorporated by reference as if
14 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
15 ARD 256364 to discipline for making untrue or misleading statements, fraud, and unfair
16 competition related to the car's manufacturer recommending synthetic engine oil (Bus. & Prof.
17 Code, §§ 9884.7, subd. (a)(1), 9884.7, subd. (a)(4), 17200 & 17500; Cal. Code Regs., tit 16,
18 § 3371). The technician said that the manufacturer recommends a synthetic blend engine oil
19 instead of regular oil. In fact, the manufacturer recommends "API grade SH, energy-conserving
20 II multigrade engine oil or ILSAC multigrade engine oil and recommended viscosity oil with
21 SAE 5W-30 being the preferred oil." The manufacturer makes no recommendation for synthetic
22 engine oil.

23 **EIGHTY-THIRD CAUSE FOR DISCIPLINE**
24 **False or Misleading Records**
25 **Business and Professions Code section 17500 and**
26 **California Code of Regulations, title 16, section 3373**

27 133. The allegations in paragraph 131 are re-alleged and incorporated by reference as if
28 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
ARD 256364 to discipline for issuing an invoice which stated that the battery was maintenance
free and the brake fluid was low (Bus. & Prof. Code, § 17500; Cal. Code Regs., tit. 16, § 3373).

1 In fact, the battery was not maintenance free and had caps to add water. Additionally, the brake
2 fluid was not low.

3 **31. ARD 256324**

4 134. a. From July 31 to August 26, 2013, a Bureau representative inspected and
5 documented a 2001 Pontiac with 149,812 miles. As part this extensive documented service
6 procedure, the representative inspected and serviced the car's automatic transmission, including
7 replacing the transmission fluid and filter. He installed tamper indicators on the transmission pan,
8 transmission cooler lines, air filter cleaner assembly, rear axle fill plug, rear axle cover, power
9 steering fluid cap, windshield washer fluid cap, all four tire valve stem caps, and the coolant
10 reservoir cap (the coolant reservoir is opaque). The engine oil was full. The representative had
11 replaced the car's fuel filter on a previous documented service procedure on May 2, 2013, at
12 149,781 miles.

13 b. The service manual specifics changing the transmission fluid every 15,000
14 miles. It specifies changing the transmission filter every time the fluid is changed. The
15 manufacturer does not specify any service interval for replacing the fuel filter.

16 c. On August 27, 2013, a Bureau undercover operator drove the car to Jiffy
17 Lube #1300, 2940 Bowers Avenue, Santa Clara, California. The mileage at the time was
18 149,835. The operator said he wanted an oil change. He was directed to the waiting area.

19 d. After a short time, a technician told the operator that the transmission fluid
20 should be replaced every 15,000 miles. The operator said he did not know if the transmission
21 fluid had already been replaced and asked the technician to inspect it. The technician said he
22 already had inspected it. He said that it looked to be in moderate condition and probably in need
23 of service. The operator authorized the transmission fluid replacement.

24 e. The technician then said that the fuel filter needed to be replaced and asked
25 the operator when it had been done last. The operator said he did not know if it had been replaced
26 and asked the technician its condition. The technician said he recommended replacing the fuel
27 filter because of the car's mileage. The operator authorized the fuel filter replacement. The
28 technician said he would give the operator a \$15.00 discount although the operator had forgotten

1 the coupon.

2 f. The operator then signed and received a copy of an estimate.

3 g. After the services were completed, the operator paid \$233.41 (after a
4 \$15.25 discount), including \$119.99 for the transmission fluid replacement and \$59.99 for the
5 fuel filter replacement. The invoice stated that the air filter, differential fluid level, power
6 steering fluid level, tire pressures, and radiator overflow reservoir and all been checked. The
7 invoice also stated that windshield washer fluid had been added.

8 h. The Bureau representative re-inspected the car on September 3, 2013, at
9 149,848 miles. The engine oil and filter had been replaced but the oil was 8 ounces overfilled.
10 The transmission filter had not been replaced. The tamper indicators on the air filter cleaner
11 assembly, rear axle fill plug, rear axle cover, power steering fluid cap, windshield washer fluid
12 cap, all four tire valve stem caps, and the coolant reservoir cap were intact and undisturbed.

13 **EIGHTY-FOURTH CAUSE FOR DISCIPLINE**

14 **Untrue or Misleading Statements; Fraud; Unfair Competition (Transmission Fluid)**
15 **Business and Professions Code sections 9884.7, subdivision (a)(1), 9884.7, subdivision (a)(4),**
16 **17200, and 17500; and California Code of Regulations, title 16, section 3371**

17 135. The allegations in paragraph 134 are re-alleged and incorporated by reference as if
18 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
19 ARD 256324 to discipline for making untrue or misleading statements, fraud, and unfair
20 competition related to the car's transmission fluid (Bus. & Prof. Code, §§ 9884.7, subd. (a)(1),
21 9884.7, subd. (a)(4), 17200 & 17500; Cal. Code Regs., tit 16, § 3371). The technician said that
22 the car's transmission fluid was in moderate condition and probably in need of service. In fact,
23 the transmission fluid had been changed before the car was brought into the station. The
24 transmission fluid did not need to be changed.

25 **EIGHTY-FIFTH CAUSE FOR DISCIPLINE**

26 **Untrue or Misleading Statements; Fraud; Unfair Competition (Fuel Filter)**
27 **Business and Professions Code sections 9884.7, subdivision (a)(1), 9884.7, subdivision (a)(4),**
28 **17200, and 17500; and California Code of Regulations, title 16, section 3371**

136. The allegations in paragraph 134 are re-alleged and incorporated by reference as if
fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.

1 ARD 256324 to discipline for making untrue or misleading statements, fraud, and unfair
2 competition related to the car's fuel filter (Bus. & Prof. Code, §§ 9884.7, subd. (a)(1), 9884.7,
3 subd. (a)(4), 17200 & 17500; Cal. Code Regs., tit 16, § 3371). The technician said that he
4 recommended replacing the fuel filter because of the car's mileage. In fact, the manufacturer
5 does not specify replacing the fuel filter at any service interval and the car's fuel filter had
6 recently been replaced.

7 **EIGHTY-SIXTH CAUSE FOR DISCIPLINE**
8 **Failure to Give Written Estimate Before Beginning Work**
9 **Business and Professions Code section 9884.9, subdivision (a), and**
10 **California Code of Regulations, title 16, section 3353, subdivision (a)**

11 137. The allegations in paragraph 134 are re-alleged and incorporated by reference as if
12 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
13 ARD 256324 to discipline for failing to give a written estimate before inspecting and
14 recommending changing the car's transmission fluid (Bus. & Prof. Code, § 9884.9, subd. (a); Cal.
15 Code Regs., tit. 16, § 3353, subd. (a)).

16 **EIGHTY-SEVENTH CAUSE FOR DISCIPLINE**
17 **Material Departure from Accepted Trade Standards for Good and Workmanlike Repair**
18 **(Transmission Filter)**
19 **Business and Professions Code section 9884.7, subdivision (a)(7)**

20 138. The allegations in paragraph 134 are re-alleged and incorporated by reference as if
21 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
22 ARD 256324 to discipline for materially departing from accepted trade standards for good and
23 workmanlike repair by failing to replace the transmission filter with the transmission fluid change
(Bus. & Prof. Code, § 9884.7, subd. (a)(7)).

24 **EIGHTY-EIGHTH CAUSE FOR DISCIPLINE**
25 **Material Departure from Accepted Trade Standards for Good and Workmanlike Repair**
26 **(Oil Overfill)**
27 **Business and Professions Code section 9884.7, subdivision (a)(7)**

28 139. The allegations in paragraph 134 are re-alleged and incorporated by reference as if
fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.

1 ARD 256324 to discipline for materially departing from accepted trade standards for good and
2 workmanlike repair by overfilling the engine oil by eight ounces (Bus. & Prof. Code, § 9884.7,
3 subd. (a)(7)).

4 **EIGHTY-NINTH CAUSE FOR DISCIPLINE**
5 **False or Misleading Records**
6 **Business and Professions Code section 17500 and**
7 **California Code of Regulations, title 16, section 3373**

8 140. The allegations in paragraph 134 are re-alleged and incorporated by reference as if
9 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
10 ARD 256324 to discipline for issuing an invoice which stated that the air filter, differential fluid
11 level, power steering fluid level, tire pressures, and radiator overflow reservoir and all been
12 checked, and that the windshield washer fluid had been added. (Bus. & Prof. Code, § 17500; Cal.
13 Code Regs., tit. 16, § 3373). In fact, the air filter, differential fluid level, power steering fluid
14 level, tire pressures, and radiator overflow reservoir had not been checked, and windshield washer
15 fluid had not been added, because the tamper indicators on the air filter cleaner assembly, rear
16 axle fill plug, rear axle cover, power steering fluid cap, windshield washer fluid cap, all four tire
valve stem caps, and the coolant reservoir cap were still intact and undisturbed.

17 **32. ARD 256310**

18 141. a. From August 2 to August 8, 2013, a Bureau representative inspected and
19 documented a 1997 Honda Accord with 86,300 miles. As part of his previous documented
20 service procedure at 86,276 miles, the representative had changed the transmission fluid.

21 b. On August 28, 2013, a Bureau undercover operator drove the car to Jiffy
22 Lube #295, 999 West El Camino Real, Sunnyvale, California. The mileage at the time was
23 86,308. The operator said he wanted an oil change. He was directed to the waiting area.

24 c. After a short time, a technician told the operator that there were metal
25 particles in the transmission fluid. He recommended a transmission service which the operator
26 authorized. The technician said he would honor a \$15.00 coupon from the Jiffy Lube website.

27 d. The operator signed an estimate but did not receive a copy.

28 e. After the service was completed, the operator paid \$165.36 (after a \$15.00

discount), including \$119.99 for the transmission fluid change.

f. The Bureau representative re-inspected the car on May 28, 2013, at 113,456 miles. The engine oil, filter, and transmission fluid had been changed.

NINETIETH CAUSE FOR DISCIPLINE

Untrue or Misleading Statements; Fraud; Unfair Competition

Business and Professions Code sections 9884.7, subdivision (a)(1), 9884.7, subdivision (a)(4), 17200, and 17500; and California Code of Regulations, title 16, section 3371

142. The allegations in paragraph 141 are re-alleged and incorporated by reference as if fully set forth. Respondents have subjected Automotive Repair Dealer Registration No. ARD 256310 to discipline for making untrue or misleading statements, fraud, and unfair competition related to the car needing transmission fluid service (Bus. & Prof. Code, §§ 9884.7, subd. (a)(1), 9884.7, subd. (a)(4), 17200 & 17500; Cal. Code Regs., tit 16, § 3371). The technician said that there were metal particles in the transmission fluid. In fact, the transmission fluid had been changed before the car was brought into the station. The transmission fluid did not need to be changed.

NINETY-FIRST CAUSE FOR DISCIPLINE

Failure to Provide Copy of Signed Estimate

Business and Professions Code sections 9884.7, subdivision (a)(3), 9884.9, subdivision (a), and California Code of Regulations, title 16, section 3353, subdivision (a)

143. The allegations in paragraph 141 are re-alleged and incorporated by reference as if fully set forth. Respondents have subjected Automotive Repair Dealer Registration No. ARD 256310 to discipline for failing to provide a copy of the estimate to the operator at the time he signed it and before a technician worked on the car (Bus. & Prof. Code, §§ 9884.7, subd. (a)(3), 9884.9, subd. (a); Cal. Code Regs., tit. 16, § 3353, subd. (a)).

33. ARD 256347

144. a. From August 15 to August 29, 2013, a Bureau representative inspected and documented a 2007 Ford with 112,985 miles. As part of this extensive documented service procedure, the representative changed and filled the car's differential fluid, and put tamper indicators on the differential cover bolt and fill plug.

b. The service manual specifies changing the differential fluid for rear-wheel

1 drive vehicles every 150,000 miles under normal use. The manual also states that a rear axle with
2 synthetic lubricant is lubricated for life and is not to be checked or changed unless a leak is
3 suspected or the axle assembly has been submerged in water. The manual specifies inspecting
4 tires every 5,000 miles and rotating for optimal tire life.

5 c. On September 5, 2013, a Bureau undercover operator drove the car to Jiffy
6 Lube #2355, 19480 Stevens Creek Boulevard, Cupertino, California. The mileage at this time
7 was 112,992. The operator said he wanted an oil change. He was directed to the waiting area.

8 d. After a short time, a service technician told the operator that the power
9 steering fluid and differential fluid were low. When the technician asked the operator about the
10 car's service history, the operator said he did not know because he had just gotten the car. The
11 technician said the car needs a rear differential service and tire rotation. He said that the car
12 requires synthetic differential oil, but he offered the operator a discount by charging only for
13 conventional differential oil. The operator authorized the differential service and tire rotation.

14 e. The operator signed an estimate but did not receive a copy.

15 f. After the services were completed, the operator paid \$144.26 (after a \$5.00
16 discount), including \$49.99 for the differential service and \$24.99 for the tire rotation. The
17 invoice stated that power steering fluid was added.

18 g. The Bureau representative re-inspected the car on September 5, 2013, at
19 112,993 miles. The engine oil and filter had been replaced. The tamper seal on the differential
20 fill plug was broken but the tamper seal on the cover bolt was intact. The differential housing had
21 what appeared to be new fluid on it but the representative could not determine if the fluid had
22 been changed. The tires were new, had been installed less than 10 miles before the re-inspection,
23 and still had the rubber nubs on the treads from the manufacturing process; the representative
24 could not determine if the tires had been rotated.

25 **NINETY-SECOND CAUSE FOR DISCIPLINE**

26 **Untrue or Misleading Statements; Fraud; Unfair Competition (Differential Fluid)**
27 **Business and Professions Code sections 9884.7, subdivision (a)(1), 9884.7, subdivision (a)(4),**
17200, and 17500; and California Code of Regulations, title 16, section 3371

28 145. The allegations in paragraph 144 are re-alleged and incorporated by reference as if

1 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
2 ARD 256347 to discipline for making untrue or misleading statements, fraud, and unfair
3 competition related to the car's differential fluid (Bus. & Prof. Code, §§ 9884.7, subd. (a)(1),
4 9884.7, subd. (a)(4), 17200 & 17500; Cal. Code Regs., tit 16, § 3371). The technician told the
5 operator that the differential fluid was low and recommended a differential service. In fact, the
6 program representative had changed and filled the differential fluid. Moreover, the service
7 manual recommends changing the rear differential fluid for rear-wheel drive vehicles under
8 normal use every 150,000 miles. The differential did not need to be serviced.

9 **NINETY-THIRD CAUSE FOR DISCIPLINE**

Untrue or Misleading Statements; Fraud; Unfair Competition (Tires)

10 **Business and Professions Code sections 9884.7, subdivision (a)(1), 9884.7, subdivision (a)(4),**
11 **17200, and 17500; and California Code of Regulations, title 16, section 3371**

12 146. The allegations in paragraph 144 are re-alleged and incorporated by reference as if
13 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
14 ARD 256347 to discipline for making untrue or misleading statements, fraud, and unfair
15 competition related to the car's tires (Bus. & Prof. Code, §§ 9884.7, subd. (a)(1), 9884.7, subd.
16 (a)(4), 17200 & 17500; Cal. Code Regs., tit 16, § 3371). The technician recommended rotating
17 the tires even though the tires were new and still had the rubber nubs on the treads from the
18 manufacturing process. The tires did not need to be rotated.

19 **NINETY-FOURTH CAUSE FOR DISCIPLINE**

Failure to Provide Copy of Signed Estimate

20 **Business and Professions Code sections 9884.7, subdivision (a)(3), 9884.9, subdivision (a),**
21 **and California Code of Regulations, title 16, section 3353, subdivision (a)**

22 147. The allegations in paragraph 144 are re-alleged and incorporated by reference as if
23 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
24 ARD 256347 to discipline for failing to provide a copy of the estimate to the operator at the time
25 he signed it and before a technician worked on the car (Bus. & Prof. Code, §§ 9884.7, subd.
26 (a)(3), 9884.9, subd. (a); Cal. Code Regs., tit. 16, § 3353, subd. (a)).

27 **34. ARD 256345**

28 148. a. From August 15, 2013 to September 3, 2013, a Bureau representative

1 inspected and documented a 2000 Honda with 55,402 miles. As part of this extensive
2 documented service procedure, the representative installed a new battery. The engine oil was at
3 the full mark. The car drove normally and ran smoothly.

4 b. The service manual does not specify performing an engine flush or a fuel
5 flush. In fact, the manufacturer strongly recommends avoiding using any flush system on its
6 vehicles. The color of an air filter is not an indication of carbon build up in the fuel system.

7 c. On September 5, 2013, a Bureau undercover operator drove the car to Jiffy
8 Lube #2346, 1030 Saratoga Avenue, San Jose, California. The mileage at the time was 55,413.
9 The operator said he wanted an oil change. He was directed to the waiting area.

10 d. After a short time, a technician showed the operator the car's air filter. The
11 technician said that based on the filter's black color, the fuel system has carbon build-up and
12 needs a fuel system flush. He said cleaning the fuel system also improves fuel efficiency. The
13 operator authorized the fuel system flush.

14 e. The operator then signed and received a copy of an estimate.

15 f. After the services were completed, the operator paid \$115.45 (after a \$5.00
16 discount), including \$59.99 for the fuel system cleaning. The invoice stated that the battery water
17 level was "OK" and the engine oil was one quart low on arrival at the station.

18 g. The Bureau representative re-inspected the car from September 12 to
19 September 17, 2013, at 55,416 miles. The area around the battery had not been disturbed. The
20 representative could not determine if the engine had been flushed or the fuel system had been
21 cleaned.

22 **NINETY-FIFTH CAUSE FOR DISCIPLINE**
23 **Untrue or Misleading Statements; Fraud; Unfair Competition**
24 **Business and Professions Code sections 9884.7, subdivision (a)(1), 9884.7, subdivision (a)(4),**
25 **17200, and 17500; and California Code of Regulations, title 16, section 3371**

25 149. The allegations in paragraph 148 are re-alleged and incorporated by reference as if
26 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
27 ARD 256345 to discipline for making untrue or misleading statements, fraud, and unfair
28 competition related to the car needing an fuel system flush (Bus. & Prof. Code, §§ 9884.7, subd.

1 (a)(1), 9884.7, subd. (a)(4), 17200 & 17500; Cal. Code Regs., tit 16, § 3371). The technician said
2 that a dirty air filter indicated that there was carbon build-up inside the engine and that a fuel
3 system flush was recommended. The technician said that fuel system cleaning would further
4 increase the car's fuel efficiency. In fact, the car's service manual does not specify performing an
5 engine flush and the manufacturer strongly recommends avoiding using any flush system.
6 Moreover, the color of an air filter is not an indication of carbon build up in the fuel system. The
7 fuel system did not need to be serviced.

8 **NINETY-SIXTH CAUSE FOR DISCIPLINE**
9 **Failure to Give Written Estimate Before Beginning Work**
10 **Business and Professions Code section 9884.9, subdivision (a), and**
11 **California Code of Regulations, title 16, section 3353, subdivision (a)**

12 150. The allegations in paragraph 148 are re-alleged and incorporated by reference as if
13 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
14 ARD 256345 to discipline for failing to give a written estimate before inspecting the car's air
15 filter and recommending a fuel system flush (Bus. & Prof. Code, § 9884.9, subd. (a); Cal. Code
16 Regs., tit. 16, § 3353, subd. (a)).

17 **NINETY-SEVENTH CAUSE FOR DISCIPLINE**
18 **False or Misleading Records**
19 **California Code of Regulations, title 16, section 3373**

20 151. The allegations in paragraph 148 are re-alleged and incorporated by reference as if
21 fully set forth. Respondent has subjected Automotive Repair Dealer Registration No.
22 ARD 256345 to discipline for issuing an invoice which stated that the battery water level was
23 "OK" and the engine oil was one quart low on arrival at the station (Cal. Code Regs., tit. 16,
24 § 3373). In fact, the battery water level had not been checked because the area around the battery
25 had not been disturbed, and the engine oil was full.

26 **35. ARD 256312**

27 152. a. From August 27 to September 10, 2013, a Bureau representative inspected
28 and documented a 2002 Honda with 67,594 miles.

b. On September 13, 2013, a Bureau undercover operator drove the car to
Jiffy Lube #297, 1387 Camden Avenue, Campbell, California. The mileage at this time was

1 67,595. The operator said he wanted an oil change. He was directed to the waiting area.

2 c. After a short time, a technician told the operator that the manufacturer
3 recommends changing transmission fluid every 60,000 miles and that the car was 7,000 miles
4 past due for the change. The operator authorized the transmission fluid change.

5 d. The operator signed an estimate but did not receive a copy.

6 e. After the services were completed, the operator paid \$128.63 (after a
7 \$15.25 discount), including \$49.99 for the transmission fluid change. The invoice included a
8 \$30.00 gear oil upcharge which was not on the estimate and not approved by the operator.

9 f. The Bureau representative re-inspected the car on May 28, 2013, at
10 113,456 miles. The engine oil, filter, and transmission fluid had been changed.

11 **NINETY-EIGHTH CAUSE FOR DISCIPLINE**
12 **Untrue or Misleading Statements; Fraud; Unfair Competition**
13 **Business and Professions Code sections 9884.7, subdivision (a)(1), 9884.7, subdivision (a)(4),**
14 **17200, and 17500; and California Code of Regulations, title 16, section 3371**

15 153. The allegations in paragraph 152 are re-alleged and incorporated by reference as if
16 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
17 ARD 256312 to discipline for making untrue or misleading statements, fraud, and unfair
18 competition related to the car needing a transmission fluid exchange (Bus. & Prof. Code,
19 §§ 9884.7, subd. (a)(1), 9884.7, subd. (a)(4), 17200 & 17500; Cal. Code Regs., tit 16, § 3371).
20 The technician said that the manufacturer recommended changing the transmission fluid every
21 60,000 miles. In fact, the service manual specifies changing transmission fluid every 60,000
22 miles or 3 years if the car is operated mainly under severe conditions; it recommends changing
23 transmission fluid every 120,000 miles or 6 years under normal conditions. The transmission
24 fluid did not need to be changed.

25 **NINETY-NINTH CAUSE FOR DISCIPLINE**
26 **Failure to Provide Copy of Signed Estimate**
27 **Business and Professions Code sections 9884.7, subdivision (a)(3), 9884.9, subdivision (a),**
28 **and California Code of Regulations, title 16, section 3353, subdivision (a)**

154. The allegations in paragraph 152 are re-alleged and incorporated by reference as if
fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.

1 ARD 256312 to discipline for failing to provide a copy of the estimate to the operator at the time
2 he signed it and before a technician worked on the car (Bus. & Prof. Code, §§ 9884.7, subd.
3 (a)(3), 9884.9, subd. (a); Cal. Code Regs., tit. 16, § 3353, subd. (a)).

4 **ONE HUNDREDTH CAUSE FOR DISCIPLINE**
5 **Failure to Receive Authorization for Materials**
6 **Business and Professions Code section 9884.9, subdivision (a), and**
7 **California Code of Regulations, title 16, section 3353, subdivision (c)**

8 155. The allegations in paragraph 152 are re-alleged and incorporated by reference as if
9 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
10 ARD 256312 to discipline for failing to receive the operator's authorization for a \$30.00 gear oil
11 upcharge included on the invoice (Bus. & Prof. Code, § 9884.9, subd. (a); Cal. Code Regs., tit.
12 16, § 3353, subd. (c)).

13 **36. ARD 256339**

14 156. a. From August 27 to September 10, 2013, a Bureau representative inspected
15 and documented a 2003 Dodge with 111,517 miles. As part of this extensive documented service
16 procedure, the representative filled the engine oil to a proper level about one-half quart less than
17 capacity. The engine oil filter access door was in place. He installed tamper indicators in various
18 places on the vehicle, including the transmission fill plug, transfer case fill plug, and front
19 axle/differential fill plug

20 b. On September 20, 2013, a Bureau undercover operator drove the vehicle to
21 Jiffy Lube #2332, 2302 Almaden Road, San Jose, California. The mileage at the time was
22 111,539. The operator said he wanted an oil change. He was directed to the waiting area.

23 c. After a short time, a service technician told the operator that the tires
24 needed to be rotated since the tires with the most tread should be on the front so they would wear
25 evenly. The operator authorized the tire rotation.

26 d. The technician then recommended high mileage engine oil because the
27 vehicle arrived with low engine oil. The technician said the vehicle was burning oil and that high
28 mileage oil would help seal any leaks and prevent burning oil. The operator authorized the high
mileage oil.

1 e. The operator was not asked to sign and did not receive a written estimate.

2 f. After the services were completed, the operator paid \$93.11, including
3 \$29.99 for the tire rotation and \$59.98 for the engine oil change with high mileage oil. The
4 invoice stated that transmission/transaxle fluid level was "OK," the differential fluid level was
5 "OK," the transfer case fluid level was "N/A," the front differential fluid level was "N/A," and
6 the engine oil was one quart low on arrival at the station. The operator saw that the vehicle's tires
7 were nearly new and the treads still had the rubber nubs from the manufacturing process.

8 g. The Bureau representative re-inspected the car on October 1, 2013, at
9 111,552 miles. The engine oil and filter had been replaced. The tamper indicators on the
10 transmission fill plug, transfer case fill plug, and front axle/differential fill plug were intact and
11 undisturbed. The engine oil filter access door was missing.

12 **ONE HUNDRED FIRST CAUSE FOR DISCIPLINE**
13 **Untrue or Misleading Statements; Fraud; Unfair Competition (Tire Rotation)**
14 **Business and Professions Code sections 9884.7, subdivision (a)(1), 9884.7, subdivision (a)(4),**
15 **17200, and 17500; and California Code of Regulations, title 16, section 3371**

15 157. The allegations in paragraph 156 are re-alleged and incorporated by reference as if
16 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
17 ARD 256339 to discipline for making untrue or misleading statements, fraud, and unfair
18 competition related to the tires (Bus. & Prof. Code, §§ 9884.7, subd. (a)(1), 9884.7, subd. (a)(4),
19 17200 & 17500; Cal. Code Regs., tit 16, § 3371). The technician said that the tires needed to be
20 rotated since the tires with the most tread should be on the front so they would wear evenly. In
21 fact, the vehicle's tires were nearly new and the treads still had the rubber nubs from the
22 manufacturing process. The tires did not need to be rotated.

23 **ONE HUNDRED SECOND CAUSE FOR DISCIPLINE**
24 **Untrue or Misleading Statements; Fraud; Unfair Competition (High Mileage Oil)**
25 **Business and Professions Code sections 9884.7, subdivision (a)(1), 9884.7, subdivision (a)(4),**
26 **17200, and 17500; and California Code of Regulations, title 16, section 3371**

26 158. The allegations in paragraph 156 are re-alleged and incorporated by reference as if
27 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
28 ARD 256339 to discipline for making untrue or misleading statements, fraud, and unfair

1 competition related to engine oil (Bus. & Prof. Code, §§ 9884.7, subd. (a)(1), 9884.7, subd.
2 (a)(4), 17200 & 17500; Cal. Code Regs., tit 16, § 3371). The technician recommended high
3 mileage engine oil because the vehicle arrived with low engine oil. The technician said the
4 vehicle was burning oil and that high mileage oil would help seal any leaks and prevent burning
5 oil. In fact, the engine oil was filled to a proper level about one-half quart less than capacity. The
6 vehicle did not need high mileage engine oil.

7 **ONE HUNDRED THIRD CAUSE FOR DISCIPLINE**

8 **Failure to Provide Copy of Estimate**

9 **Business and Professions Code section 9884.9, subdivision (a), and California Code of
10 Regulations, title 16, section 3353, subdivision (a)**

11 159. The allegations in paragraph 156 are re-alleged and incorporated by reference as if
12 fully set forth. Respondent have subjected Automotive Repair Dealer Registration No.
13 ARD 256339 to discipline for failing to provide a copy of the estimate to the operator before a
14 technician worked on the vehicle (Bus. & Prof. Code, § 9884.9, subd. (a); Cal. Code Regs., tit.
15 16, § 3353, subd. (a)).

16 **ONE HUNDRED FOURTH CAUSE FOR DISCIPLINE**

17 **False or Misleading Records**

18 **Business and Professions Code section 17500 and
19 California Code of Regulations, title 16, section 3373**

20 160. The allegations in paragraph 156 are re-alleged and incorporated by reference as if
21 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
22 ARD 256339 to discipline for issuing an invoice that stated that transmission/transaxle fluid level
23 was "OK," the differential fluid level was "OK," the transfer case fluid level was "N/A," the front
24 differential fluid level was "N/A," and the oil level was one quart low on arrival at the station
25 (Bus. & Prof. Code, § 17500; Cal. Code Regs., tit. 16, § 3373). In fact, the transmission/transaxle
26 fluid level, the differential fluid level, the transfer case fluid level, and the front differential fluid
27 level were not checked because the tamper indicators on the transmission fill plug, transfer case
28 fill plug, and front axle/differential fill plug were intact and undisturbed. Also, the engine oil was
filled to a proper level about one-half quart less than capacity.

///

1 **ONE HUNDRED FIFTH CAUSE FOR DISCIPLINE**
2 **Material Departure from Accepted Trade Standards for Good and Workmanlike Repair**
3 **Business and Professions Code section 9884.7, subdivision (a)(7)**

4 161. The allegations in paragraph 156 are re-alleged and incorporated by reference as if
5 fully set forth. Respondents have subjected Automotive Repair Dealer Registration No.
6 ARD 256339 to discipline for materially departing from accepted trade standards for good and
7 workmanlike repair by failing to replace the engine oil filter access door (Bus. & Prof. Code,
8 § 9884.7, subd. (a)(7)).

9 **OTHER MATTERS**

10 162. Business and Professions Code section 9884.7, subdivision (c), states in part:
11 “Notwithstanding subdivision (b), the director may suspend, revoke, or place on probation
12 the registration for all places of business operated in this state by an automotive repair dealer
13 upon a finding that the automotive repair dealer has, or is, engaged in a course of repeated and
14 willful violations of this chapter, or regulations adopted pursuant to it.”

15 **PRAYER**

16 WHEREFORE, complainant requests that a hearing be held on the matters alleged in this
17 accusation, and that following the hearing, the Director of Consumer Affairs issues a decision:

18 1. Revoking or suspending the following automotive repair dealer registration
19 numbers issued to respondents Anthony and Joann Fanticola, Family Limited Partnership (FLP),
20 Member MC LLC:

21 A. Automotive Repair Dealer Registration No. ARD 256399, Jiffy Lube
22 #1802

23 B. Automotive Repair Dealer Registration No. ARD 256340, Jiffy Lube
24 #2333

25 C. Automotive Repair Dealer Registration No. ARD 256343, Jiffy Lube
26 #2344

27 D. Automotive Repair Dealer Registration No. ARD 256338, Jiffy Lube
28 #2321

 E. Automotive Repair Dealer Registration No. ARD 264443, Jiffy Lube

1	#1947	
2		F. Automotive Repair Dealer Registration No. ARD 256325, Jiffy Lube
3	#1328	
4		G. Automotive Repair Dealer Registration No. ARD 256311, Jiffy Lube #296
5		H. Automotive Repair Dealer Registration No. ARD 256321, Jiffy Lube
6	#1151	
7		I. Automotive Repair Dealer Registration No. ARD 256327, Jiffy Lube
8	#1349	
9		J. Automotive Repair Dealer Registration No. ARD 256314, Jiffy Lube #606
10		K. Automotive Repair Dealer Registration No. ARD 256329, Jiffy Lube
11	#1404	
12		L. Automotive Repair Dealer Registration No. ARD 256326, Jiffy Lube
13	#1347	
14		M. Automotive Repair Dealer Registration No. ARD 256363, Jiffy Lube
15	#2342	
16		N. Automotive Repair Dealer Registration No. ARD 256316, Jiffy Lube #610
17		O. Automotive Repair Dealer Registration No. ARD 256315, Jiffy Lube #608
18		P. Automotive Repair Dealer Registration No. ARD 256319, Jiffy Lube #889
19		Q. Automotive Repair Dealer Registration No. ARD 256317, Jiffy Lube #655
20		R. Automotive Repair Dealer Registration No. ARD 256328, Jiffy Lube
21	#1403	
22		S. Automotive Repair Dealer Registration No. ARD 256320, Jiffy Lube
23	#1054	
24		T. Automotive Repair Dealer Registration No. ARD 256318, Jiffy Lube #803
25		U. Automotive Repair Dealer Registration No. ARD 256330, Jiffy Lube
26	#1405	
27		V. Automotive Repair Dealer Registration No. ARD 256313, Jiffy Lube #510
28		W. Automotive Repair Dealer Registration No. ARD 256341, Jiffy Lube

1	#2335	
2		X. Automotive Repair Dealer Registration No. ARD 256439, Jiffy Lube
3	#1283	
4		Y. Automotive Repair Dealer Registration No. ARD 256437, Jiffy Lube
5	#1166	
6		Z. Automotive Repair Dealer Registration No. ARD 256342, Jiffy Lube
7	#2339	
8		AA. Automotive Repair Dealer Registration No. ARD 256344, Jiffy Lube
9	#2345	
10		AB. Automotive Repair Dealer Registration No. ARD 256349, Jiffy Lube
11	#2350	
12		AC. Automotive Repair Dealer Registration No. ARD 256346, Jiffy Lube
13	#2352	
14		AD. Automotive Repair Dealer Registration No. ARD 256362, Jiffy Lube
15	#1297	
16		AE. Automotive Repair Dealer Registration No. ARD 256364, Jiffy Lube
17	#2351	
18		AF. Automotive Repair Dealer Registration No. ARD 256324, Jiffy Lube
19	#1300	
20		AG. Automotive Repair Dealer Registration No. ARD 256310, Jiffy Lube #295
21		AH. Automotive Repair Dealer Registration No. ARD 256347, Jiffy Lube
22	#2355	
23		AI. Automotive Repair Dealer Registration No. ARD 256345, Jiffy Lube
24	#2346	
25		AJ. Automotive Repair Dealer Registration No. ARD 256312, Jiffy Lube #297
26		AK. Automotive Repair Dealer Registration No. ARD 256339, Jiffy Lube
27	#2332;	
28		AL. Automotive Repair Dealer Registration No. ARD 254482, Jiffy Lube

1 #1053;
2 AM. Automotive Repair Dealer Registration No. ARD 254485, Jiffy Lube #361,
3 AN. Automotive Repair Dealer Registration No. ARD 254772, Jiffy Lube
4 #1991;
5 AO. Automotive Repair Dealer Registration No. ARD 254773, Jiffy Lube
6 #1988;
7 AP. Automotive Repair Dealer Registration No. ARD 254774, Jiffy Lube
8 #1856;
9 AQ. Automotive Repair Dealer Registration No. ARD 254775, Jiffy Lube
10 #1598;
11 AR. Automotive Repair Dealer Registration No. ARD 254776, Jiffy Lube
12 #1532;
13 AS. Automotive Repair Dealer Registration No. ARD 254777, Jiffy Lube
14 #1406;
15 AT. Automotive Repair Dealer Registration No. ARD 256365, Jiffy Lube
16 #2716;
17 AU. Automotive Repair Dealer Registration No. ARD 259001, Jiffy Lube
18 #1858;
19 AV. Automotive Repair Dealer Registration No. ARD 254507, Jiffy Lube
20 #1339;
21 AW. Automotive Repair Dealer Registration No. ARD 256323, Jiffy Lube
22 #1299;
23 AX. Automotive Repair Dealer Registration No. ARD 256322, Jiffy Lube
24 #1158;
25 AY. Automotive Repair Dealer Registration No, ARD 254481, Jiffy Lube
26 #1287;
27 2. Ordering respondents Anthony and Joann Fanticola, Family Limited Partnership
28 (FLP), Member MC LLC, to pay the Bureau of Automotive Repair the reasonable costs of the

1 investigation and enforcement of this case under Business and Professions Code section 125.3;
2 and

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

4
5 DATED:

August 12, 2015

Patrick Dorais

PATRICK DORAIS

Chief

Bureau of Automotive Repair

Department of Consumer Affairs

State of California

Complainant

6
7
8
9 SF2014902473
90530914.docx