

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

In the Matter of the Accusation Against:

**SOMA AUTO, INC., DBA
PURRFECT AUTO SERVICE #94
120 South Placentia Avenue
Placentia, CA 92870
ANAND L. CHAUDHARY, PRESIDENT**

Automotive Repair Dealer Registration No.
ARD 258167

Case No. 77/11-09

OAH No. 2012020444

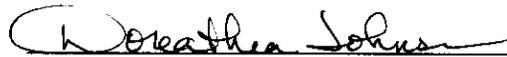
Respondent.

DECISION

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

This Decision shall become effective 9/25/12.

DATED: September 6, 2012


DOREATHEA JOHNSON
Deputy Director, Legal Affairs
Department of Consumer Affairs

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
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Deputy Attorney General
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Attorneys for Complainant

8
9 **BEFORE THE**
DEPARTMENT OF CONSUMER AFFAIRS
FOR THE BUREAU OF AUTOMOTIVE REPAIR
10 **STATE OF CALIFORNIA**
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12 In the Matter of the Accusation Against:

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14 **120 South Placentia Avenue**
Placentia, CA 92870
15 **ANAND L. CHAUDHARY, PRESIDENT**

16 **Automotive Repair Dealer Registration No.**
ARD 258167

17 Respondent.
18

Case No. 77 11-09

OAH No. 2012020444

**STIPULATED REVOCATION AND
DISCIPLINARY ORDER**

19
20 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
21 proceeding that the following matters are true:

22 PARTIES

23 1. John Wallauch (Complainant) is the Chief of the Bureau of Automotive Repair. He
24 brought this action solely in his official capacity and is represented in this matter by Kamala D.
25 Harris, Attorney General of the State of California, by Rita M. Lane, Deputy Attorney General.

26 2. Respondent Anand L. Chaudhary, President, Soma Auto, Inc., dba Purrfect Auto
27 Service #94 is represented in this proceeding by attorney Leonard W. Stitz, whose address is 987
28 North Enterprise, Suite 200, Orange, CA 92867.

1 factual basis for the charges in Accusation No. 77 11-09 and Respondent hereby gives up his right
2 to contest those charges.

3 9. Respondent understands that by signing this stipulation it enables the Director to issue
4 his order revoking its Automotive Repair Dealer Registration and he agrees to be bound by the
5 Director's imposition of discipline as set forth in the Disciplinary Order below.

6 CONTINGENCY

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

17 11. The parties understand and agree that facsimile copies of this Stipulated Revocation
18 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and
19 effect as the originals.

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

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

ORDER

IT IS HEREBY ORDERED that Automotive Repair Dealer Registration No. ARD 258167 issued to Respondent Soma Auto, Inc., dba Purrfect Auto Service #94, with Anand L. Chaudhary, President, is revoked.

1. Respondent shall lose all rights and privileges as an automotive repair dealer in California immediately upon the issuance of the Director's Decision and Order.

2. Respondent shall cause to be delivered to the Bureau its pocket license and, if one was issued, its wall certificate on or before the effective date of the Decision and Order.

3. If Respondent ever applies for licensure or petitions for reinstatement in the State of California, the Bureau shall treat it as a new application for licensure. Respondent must comply with all the laws, regulations and procedures for licensure in effect at the time the application or petition is filed, and all of the charges and allegations contained in Accusation No. 77 11-09 shall be deemed to be true, correct and admitted by Respondent when the Director determines whether to grant or deny the application or petition.

4. Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$15,000.00 prior to issuance of a new or reinstated license.

ACCEPTANCE

I have carefully read the above Stipulated Revocation and Disciplinary Order and have fully discussed it with my attorney, Leonard W. Stitz. I understand the stipulation and the effect it will have on the Automotive Repair Dealer Registration issued to Soma Auto, Inc., dba Purrfect Auto Service #94, with Anand L. Chaudhary, President. I enter into this Stipulated Revocation and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of Consumer Affairs.

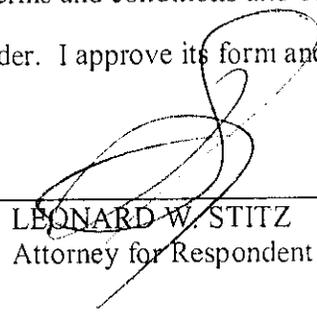
DATED: _____

07-03-2012


ANAND L. CHAUDHARY, PRESIDENT OF
SOMA AUTO, INC., DBA PURRFACT AUTO
SERVICE #94
Respondent

1 I have read and fully discussed with Anand L. Chaudhary, President of Respondent Soma
2 Auto, Inc., dba Purrfect Auto Service #94 the terms and conditions and other matters contained in
3 this Stipulated Revocation and Disciplinary Order. I approve its form and content.

4
5 DATED: 7/12/12


LEONARD W. STITZ
Attorney for Respondent

6
7
8
9 ENDORSEMENT

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

12 Dated: 7-20-12

Respectfully submitted,

13 KAMALA D. HARRIS
14 Attorney General of California
15 LINDA K. SCHNEIDER
Supervising Deputy Attorney General

16 
17 RITA M. LANE
18 Deputy Attorney General
19 *Attorneys for Complainant*

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Exhibit A

Accusation No. 77 11-09

J

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2 ALFREDO TERRAZAS
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14 **120 South Placentia Avenue**
Placentia, CA 92870
15 **ANAND L. CHAUDHARY, PRESIDENT,**
Automotive Repair Dealer Registration No.
16 **ARD 258167**

A C C U S A T I O N

17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

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

23 **Automotive Repair Dealer Registration**

24 2. On or about May 20, 2009, the Bureau issued Automotive Repair Dealer Registration
25 Number ARD 258167 ("registration") to Soma Auto, Inc., ("Respondent"), doing business as
26 Purrfect Auto Service #94 with Anand L. Chaudhary as President. The registration was in full
27 force and effect at all times relevant to the charges brought herein and will expire on April 30,
28 2012, unless renewed.

1 5. Code section 9884.9, subdivision (a), states:

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

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

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

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

25 _____
26 (signature or initials)"

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

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

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

1 COST RECOVERY

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

6 **UNDERCOVER OPERATION NO. 1 – OCTOBER 27, 2009**

7 9. On October 27, 2009, a Bureau undercover operator (“operator”) drove a Bureau-
8 documented 1999 Toyota Camry to Respondent’s facility. The only service necessary was an oil
9 and filter change. The operator spoke with a male identified as Andy and told him she wanted the
10 advertised express oil and filter change for \$11.99 and the free brake inspection, as advertised in
11 the PennySaver. Andy directed the operator to another area where she spoke to another male
12 employee. The operator pointed to the express oil and filter change and free brake inspection in
13 the PennySaver. The operator provided her information to the second male employee. Andy
14 drove the vehicle into the service bay where he told the other male employee that the vehicle
15 needed a ninety-thousand mile service and informed him that there was a coupon in the ad for that
16 service. Andy told the operator that they would only do the oil and filter change and call her
17 before any other work was done. The operator was provided with an Estimate No. 3059362.
18 Later that morning a male employee, who later identified himself as “George” the manager,
19 telephoned the operator and told her that the vehicle needed a ninety-thousand mile service. The
20 operator asked what that was. George told her it included transmission fluid, coolant, fuel
21 injection service, brake fluid, and an air filter. The operator asked him why those services were
22 needed. George told her he could tell it had not been done at ninety-thousand miles. The
23 employee also told the operator that at Toyota the same service would cost \$325 but that he could
24 do it for \$214.95 with the coupon from the advertisement. The operator asked George if the
25 \$214.95 included the oil and filter change. George told her it was included in that price.

26 10. Later that day, the operator returned to retrieve the vehicle. The operator asked
27 George and Andy if they found any complications and if they got all the fluids changed. George
28

1 told the operator that there were no complications and the fluids had all been changed. The
2 operator paid Andy \$228.81 and was provided with Invoice No. 3059362.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Untrue or Misleading Statements)**

5 11. Respondent's registration is subject to discipline pursuant to Code section 9884.7,
6 subdivision (a)(1), in that on or about October 27, 2009, Respondent made or authorized
7 statements which Respondent knew or in the exercise of reasonable care Respondent should have
8 known to be untrue or misleading, as follows:

9 a. Respondent informed the operator that the vehicle needed transmission fluid, coolant,
10 a fuel injection service, brake fluid, and an air filter when, in fact, the only service necessary was
11 an oil and filter change.

12 b. Respondent represented to the operator that the fluids were dirty and needed to be
13 changed; however, the fluids were new and not in need of changing.

14 c. Respondent represented on Invoice No. 3059362 that it had drained and refilled the
15 transmission fluid, drained and refilled the radiator fluid, and replaced the brake fluid when, in
16 fact, those services had not been performed as invoiced.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Fraud)**

19 12. Respondent's registration is subject to discipline pursuant to Code section 9884.7,
20 subdivision (a)(4), in that on or about October 27, 2009, Respondent committed acts which
21 constitute fraud by accepting payment from the operator to drain and refill the transmission fluid,
22 drain and refill the radiator fluid, and replace the brake fluid; however, Respondent failed to
23 perform those services as invoiced.

24 **THIRD CAUSE FOR DISCIPLINE**

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

26 13. Respondent's registration is subject to discipline pursuant to Code section 9884.7,
27 subdivision (a)(6), in that on or about October 27, 2009, Respondent failed to comply with the
28 following sections of that Code:

1 a. **Section 9884.8:**

2 i Regarding Invoice No. 3059362, Respondent failed to describe the service work
3 performed and parts used in the repair of the operator's vehicle.

4 ii Regarding Invoice No. 3059362, Respondent failed to set forth the unit of measure
5 used, i.e., quarts, gallons, liters, for the quantities of brake fluid, oil, radiator fluid, and
6 transmission fluid.

7 **UNDERCOVER OPERATION NO. 2 – MARCH 10, 2010**

8 14. On March 10, 2010, a Bureau undercover operator ("operator") drove a Bureau-
9 documented 2001 Toyota Corolla S to Respondent's facility. The only service necessary was an
10 oil and filter change. The operator spoke with Andy and told him she wanted the advertised
11 express oil and filter change for \$11.99 and the free brake inspection as advertised in the
12 PennySaver. The operator provided her information to Andy and he provided her with a copy of
13 Estimate No. 3061134. Later that morning, Andy telephoned the operator and told her that:
14 "everything looks pretty good, just two things. The rear brakes need to be cleaned and adjusted
15 so they last longer. The other thing is the shocks, they need to be changed." Andy said the
16 vehicle would be ready in 20 minutes and that she could bring it back in for the additional
17 services. The operator informed Andy she could not pick the vehicle up at that time and that she
18 would call him back. A short time later, the operator telephoned Andy and told him he could go
19 ahead with the brake service and asked him how much it would cost. Andy told her the cost for
20 the brake service would be \$34.95. Andy went on to say he could do all four struts, top off all the
21 fluids and clean and adjust the brakes for \$900. However, if she chooses to do it at a later time
22 the cost will be \$1,100. The operator told Andy she would have to wait for the struts but asked
23 him to write the reason the struts needed to be replaced on her invoice. The operator asked if she
24 could return the first part of April for the struts. Andy told her she could and that he would give
25 her the discount at that time. The operator paid Andy \$48.99 and was provided with Invoice No.
26 3061134.

27 ///

28 ///

1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Untrue or Misleading Statements)**

3 15. Respondent's registration is subject to discipline pursuant to Code section 9884.7,
4 subdivision (a)(1), in that on or about March 10, 2010, Respondent made or authorized statements
5 which Respondent knew or in the exercise of reasonable care Respondent should have known to
6 be untrue or misleading, as follows:

7 a. Respondent represented to the operator that the vehicle's brakes needed to be cleaned
8 and adjusted when, in fact, the only service necessary was an oil and filter change.

9 b. Respondent represented to the operator that the vehicle's struts needed to be replaced;
10 however, the front and rear struts were in good serviceable condition and not in need of
11 replacement.

12 c. Respondent recommended on Invoice No. 3061134 that the vehicle needed a brake
13 fluid service, a fuel injection cleaning, power steering flush, radiator fluid service, and
14 transmission drain and fill for a total of \$349.75 when, in fact, those services were not necessary.

15 **FIFTH CAUSE FOR DISCIPLINE**

16 **(Fraud)**

17 16. Respondent's registration is subject to discipline pursuant to Code section 9884.7,
18 subdivision (a)(4), in that on or about March 10, 2010, Respondent committed acts which
19 constitute fraud by accepting payment from the operator to clean and adjust the vehicle's brakes;
20 however, that service was not necessary.

21 **SIXTH CAUSE FOR DISCIPLINE**

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

23 17. Respondent's registration is subject to discipline pursuant to Code section 9884.7,
24 subdivision (a)(6), in that on or about March 10, 2010, Respondent failed to comply with section
25 9884.8 of that Code by failing to set forth the unit of measure used, i.e., gallons, quarts, or liters,
26 for the quantities of oil.

27 ///

28 ///

1 a. Respondent represented to the operator that the vehicle needed a brake fluid service,
2 fuel injection cleaning, power steering flush, radiator fluid service, front and rear struts, an
3 alignment, transmission drain and refill, and a tune-up when, in fact, none of these services were
4 necessary.

5 b. Respondent represented on Invoice No. 3062204 that it had performed a brake fluid
6 service, radiator fluid service, and a fuel injection cleaning totaling \$117.98 when, in fact, none of
7 these services were performed as invoiced.

8 **EIGHTH CAUSE FOR DISCIPLINE**

9 **(Fraud)**

10 22. Respondent's registration is subject to discipline pursuant to Code section 9884.7,
11 subdivision (a)(4), in that on or about May 18, 2010, Respondent committed acts which constitute
12 fraud by accepting payment from the operator for the following:

13 a. Respondent failed to perform a brake fluid service, radiator fluid service, and a fuel
14 injection cleaning as invoiced.

15 b. Respondent performed a transmission fluid service, replaced the front and rear struts,
16 replaced the oil and oil filter, and replaced the spark plugs totaling \$1,047.92 when, in fact, those
17 services/repairs were not necessary

18 **NINTH CAUSE FOR DISCIPLINE**

19 **(Deviated from Accepted Trade Standards)**

20 23. Respondent's registration is subject to discipline pursuant to Code section 9884.7,
21 subdivision (a)(7), in that on May 18, 2010, Respondent willfully departed from or disregarded
22 accepted trade standards by failing to install the front struts using the correct application, thereby
23 degrading the handling of the vehicle.

24 **TENTH CAUSE FOR DISCIPLINE**

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

26 24. Respondent's registration is subject to discipline pursuant to Code section 9884.7,
27 subdivision (a)(6), in that on or about May 18, 2010, Respondent failed to comply with section
28

1 9884.8 of that Code by failing to set forth the unit of measure used, i.e., gallons, quarts, or liters,
2 for the quantities of brake fluid, oil, radiator fluid, and transmission fluid.

3 **OTHER MATTERS**

4 25. Under Code section 9884.7, subdivision (c), the director may suspend, revoke, or
5 place on probation the registrations for all places of business operated in this state by to Soma
6 Auto, Inc., doing business as Purrfect Auto Service #94, upon a finding that it has, or is, engaged
7 in a course of repeated and willful violations of the laws and regulations pertaining to an
8 automotive repair dealer.

9 **PRAYER**

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

12 1. Revoking, suspending, or placing on probation, Automotive Repair Dealer
13 Registration Number ARD 258167, issued to Soma Auto, Inc., doing business as Purrfect Auto
14 Service #94;

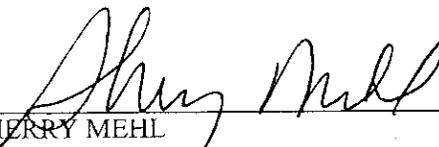
15 2. Revoking, suspending, or placing on probation, any other automotive repair dealer
16 registration issued to Soma Auto, Inc.;

17 3. Ordering Soma Auto, Inc., to pay the Bureau of Automotive Repair the reasonable
18 costs of the investigation and enforcement of this case, pursuant to Business and Professions
19 Code section 125.3; and,

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

21
22
23 DATED: _____

9/6/11


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

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