

1 KAMALA D. HARRIS  
Attorney General of California  
2 ALFREDO TERRAZAS  
Senior Assistant Attorney General  
3 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
4 State Bar No. 132645  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2105  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

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

11  
12 In the Matter of the Accusation Against:

Case No. 77/11-09

13 **SOMA AUTO, INC., DBA**  
**PURRFECT AUTO SERVICE #94**  
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 licentiate 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.

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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.

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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  
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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

  
24 SHERRY MEHL  
25 Chief  
26 Bureau of Automotive Repair  
27 Department of Consumer Affairs  
28 State of California  
Complainant

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