

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

In the Matter of the Accusation Against:

**EXTREME OIL CHANGE; HAKIMI
AHMAD WAIS, OWNER;
FORMERLY NAMED EXTREME OIL
CHANGE AND LUBE CENTER;
HAKIMI AHMAD WAIS, OWNER**
1901-D Prescott Road
Modesto, CA 95350

Automotive Repair Dealer Reg. No. ARD
258601

Respondent.

Case No. 77/13-77

OAH No. 2013090353

DECISION

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

This Decision shall become effective February 29, 2016.

DATED: January 11, 2016



TAMARA COLSON
Assistant General Counsel
Department of Consumer Affairs

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 BRIAN S. TURNER
Deputy Attorney General
4 State Bar No. 108991
1300 I Street, Suite 125
5 P.O. Box 944255,
Sacramento, CA 94244-2550
6 Telephone: (916) 445-0603
Facsimile: (916) 327-8643
7 E-mail: Brian.Turner@doj.ca.gov
Attorneys for Complainant

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

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12 In the Matter of the Accusation Against:
13 **EXTREME OIL CHANGE; HAKIMI**
14 **AHMAD WAIS, OWNER;**
15 **FORMERLY NAMED EXTREME OIL**
16 **CHANGE AND LUBE CENTER;**
17 **HAKIMI AHMAD WAIS, OWNER**
1901-D Prescott Road
Modesto, California 95350
18 **Automotive Repair Dealer Reg. No. ARD**
258601
19
20 Respondent.

Case No. 77/13-77

OAH No. 2013090353

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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

23 **PARTIES**

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

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1 court review of an adverse decision; and all other rights accorded by the California
2 Administrative Procedure Act and other applicable laws.

3 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
4 every right set forth above.

5 **CULPABILITY**

6 9. Respondent admits the truth of each and every charge and allegation in Accusation
7 No. 77/13-77.

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

11 **CONTINGENCY**

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

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

25 13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
26 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
27 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
28 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary

1 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
2 writing executed by an authorized representative of each of the parties.

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

6 **DISCIPLINARY ORDER**

7 **IT IS ORDERED** that Automotive Repair Dealer Registration No. ARD 258601 issued to
8 Respondent Extreme Oil Change; Hakimi Ahmad Wais, Owner, formerly named Extreme Oil
9 Change and Lube Center; Hakimi Ahmad Wais, Owner (Respondent) is revoked. However, the
10 revocation is stayed and Respondent is placed on probation for five (5) years on the following
11 terms and conditions.

12 1. **Actual Suspension.** Automotive Repair Dealer Registration No. ARD 258601 issued
13 to Respondent Extreme Oil Change, Hakimi Wais, Owner, formerly named Extreme Oil Change
14 and Lube Center, Hakimi Ahmad Wais, owner, is suspended for thirty (30) consecutive days
15 commencing on the effective date of this order.

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

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

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

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

1 Professions Code.

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

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

8 8. **Violation of Probation.** Should the Director or the Director's designee find or
9 determine Respondent has failed to comply with the terms and conditions of probation, the
10 Department may, after giving notice and opportunity to be heard may revoke the probation and
11 revoke the ARD

12 9. **False and Misleading Advertising.** If the accusation involves false and misleading
13 advertising, during the period of probation, Respondent shall submit any proposed advertising
14 copy, whether revised or new, to the Bureau at least thirty (30) days prior to its use.

15 10. **Cost Recovery.** Payment to the Bureau in the amount of \$43,016.37 in fifty-four
16 (54) equal monthly payments of seven hundred ninety-six dollars and fifty-nine cents (\$796.59)
17 with payments commencing on the effective date of this disciplinary order as and for cost
18 recovery. The costs shall be fully paid six (6) calendar months prior to the date probation
19 terminates. Failure to complete payment of cost recovery within the time frame shall constitute a
20 violation of probation which may subject Respondent's ARD to outright revocation; however, the
21 Director or the Director's Bureau of Automotive Repair designee may elect to continue probation
22 until such time as reimbursement of the entire cost recovery amount has been made to the Bureau.

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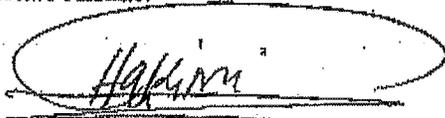
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ACCEPTANCE

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

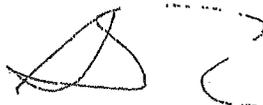
DATED: June 26 2015



EXTREME OIL CHANGE; HAKIMI AHMAD WAIS, OWNER; FORMERLY NAMED EXTREME OIL CHANGE AND LUBE CENTER, HAKIMI AHMAD WAIS, OWNER
Respondent

I have read and fully discussed with Respondent Extreme Oil Change, Hakimi Wais, Owner; formerly named Extreme Oil Change and Lube Center; Hakimi Ahmad Wais, Owner the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 6-26-15



Amy Lovegren-Tipton
Attorney for Respondent

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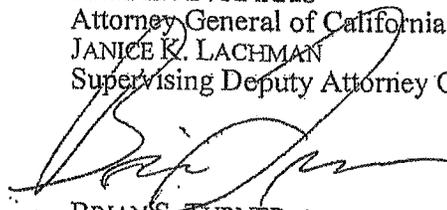
ENDORSEMENT

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

Dated: *June 26, 2015*

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
JANICE K. LACHMAN
Supervising Deputy Attorney General



BRIAN S. TURNER
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 77/13-77

1 KAMALA D. HARRIS
Attorney General of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 JANICE K. LACHMAN
Supervising Deputy Attorney General
4 State Bar No. 186131
Brian S. Turner
5 Deputy Attorney General
State Bar No. 108991
6 1300 I Street, Suite 125
P.O. Box 944255
7 Sacramento, CA 94244-2550
Telephone: (916) 445-7384
8 Facsimile: (916) 327-8643
brian.turner@doj.ca.gov
9 *Attorneys for Complainant*

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15 **HAKIMI AHMAD WAIS, OWNER**
16 **1901-D Prescott Road**
Modesto, California 95350

17 **Automotive Repair Dealer Reg. No. ARD 258601**

18 Respondent.

Case No. 77/13-77

ACCUSATION

19
20 John Wallauch ("Complainant") alleges:

21 **PARTIES**

- 22 1. Complainant brings this Accusation solely in his official capacity as the Chief of the
23 Bureau of Automotive Repair ("Bureau"), Department of Consumer Affairs.
- 24 2. On or about June 25, 2009, the Director of Consumer Affairs ("Director") issued
25 Automotive Repair Dealer Registration Number ARD 258601 to Hakimi Ahmad Wais
26 ("Respondent"), owner of Extreme Oil Change and Lube Center. Respondent's automotive repair
27 dealer registration was in full force and effect at all times relevant to the charges brought herein
28 and will expire on June 30, 2014, unless renewed.

1 JURISDICTION

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

4 4. Code section 9884.13 provides, in pertinent part, that the expiration of a valid
5 registration shall not deprive the Director of jurisdiction to proceed with a disciplinary proceeding
6 against an automotive repair dealer or to render a decision temporarily or permanently
7 invalidating (suspending or revoking) a registration.

8 STATUTORY AND REGULATORY PROVISIONS

9 5. Code section 9884.7 states, in pertinent part:

10 (a) The director, where the automotive repair dealer cannot show there
11 was a bona fide error, may deny, suspend, revoke, or place on probation the
12 registration of an automotive repair dealer for any of the following acts or omissions
13 related to the conduct of the business of the automotive repair dealer, which are done
14 by the automotive repair dealer or any automotive technician, employee, partner,
15 officer, or member of the automotive repair dealer.

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

19

20 (4) Any other conduct that constitutes fraud.

21

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

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

27 6. Code section 9884.7(c), states, in pertinent part, that the Director may suspend,
28 revoke, or place on probation the registration for all places of business operated in this state by an
automotive repair dealer upon a finding that the automotive repair dealer has, or is, engaged in a
course of repeated and willful violations of the laws and regulations pertaining to an automotive
repair dealer.

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7. Code section 9884.9(a), states, in pertinent part:

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

8. Code section 22(a), states:

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

9. Code section 477(b), states, in pertinent part, that a "license" includes "registration" and "certificate."

10. Title 16 California Code of Regulations, section 3356 ("Regulation") states, in pertinent part:

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

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

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

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

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

.....
1 (E) The applicable sales tax, if any . . .

2
3 COST RECOVERY

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

8 CONSUMER COMPLAINT (GOOD): 1995 HONDA CIVIC

9 12. On or about June 2, 2011, Samantha Good ("Good") had the oil changed in her 1995
10 Honda Civic at Respondent's facility. The owner of the facility, Mike, informed Good that her
11 vehicle required more maintenance and recommended installation of a new timing belt, new
12 water pump, new cam seal, and new oil pan gasket. The recommended work included the
13 removal and reinstallation of the balancer/pulley assembly. Good was provided with an estimate
14 of \$602.59. Good was to pay \$300 prior to the maintenance starting with the remainder to be
15 paid on June 11. Good authorized the repairs, paid \$300 in advance for the work, and received an
16 invoice for the remaining amount of \$302.59.

17 13. Good was advised the work on her vehicle was complete, and she picked up her
18 vehicle on June 3, 2011.

19 14. On or about June 11, 2011, Good paid Respondent \$302.59.

20 15. On or about June 15, 2011, Good heard a grinding noise in the engine while driving
21 the vehicle in or around Sonora. Good looked in the engine compartment and observed two
22 engine belts had fallen off. Good immediately contacted Respondent who advised Good to
23 purchase two new belts and have them installed at a repair shop.

24 16. On or about June 16, 2011, Good drove her vehicle to Jim's Automotive, also known
25 as Opie's. Good was informed by the owner and the mechanic the crankshaft and balancer/pulley
26 assembly were damaged and she should return the vehicle to the facility that installed the
27 balancer/pulley assembly. Good notified Respondent of these developments.

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1 timing belt with a used belt, and Respondent knew these facts when the vehicle was returned to
2 Good.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Departure from Accepted Trade Standards)**

5 22. Respondent's ARD Registration is subject to disciplinary action pursuant to Code
6 section 9884.7(a)(7) because Respondent willfully departed from or disregarded in material
7 respects accepted trade standards for good and workmanlike repair without the consent of the
8 owner in the following respects:

9 1. Respondent charged for, accepted payment for, and installed a water pump on
10 Good's 1995 Honda Civic that was the wrong size or part for the vehicle. Rather than obtaining
11 the correct water pump, Respondent cut, modified and left a hole in the vehicle's timing belt
12 cover to install the incorrect water pump.

13 2. Respondent failed to install the balancer/pulley assembly in accordance with
14 manufacturer's instructions and specifications resulting in damage to the engine's crankshaft.

15 **THIRD CAUSE FOR DISCIPLINE**

16 **(False and Misleading Statements)**

17 23. Respondent's ARD Registration is subject to disciplinary action pursuant to Code
18 section 9884.7(a)(1) and 16 CCR 3371 because Respondent made statements and representations
19 that with the exercise of reasonable care knew or should have known were false and misleading.

20 24. Paragraphs 12 to 19 are incorporated herein as though set forth at length.
21 Respondent represented to, charged for, and accepted payment from Good for the purchase of and
22 installation of a new timing belt for Good's 1995 Honda Civic on or about June 3, 2011. The true
23 facts are Respondent either did not replace the timing belt or replaced the timing belt with a used
24 belt.

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1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Failure to Provide Written Estimate)**

3 25. Respondent's ARD Registration is subject to disciplinary action pursuant to Code
4 section 9884.9(a) and 16 CCR 3356(a)(1) because Respondent failed to provide Good with a
5 written estimate.

6 26. Paragraph 17 is incorporated herein as though set forth at length. Respondent failed
7 to provide a written invoice to Good for the repairs.

8 **FIFTH CAUSE FOR DISCIPLINE**

9 **(Incorrect Business Name)**

10 27. Respondent's ARD Registration is subject to disciplinary action pursuant to Code
11 section 9884.9(a) and 16 CCR 3356(a)(1) because Respondent does not have the correct business
12 name.

13 28. Respondent's business name as registered with the Bureau is Hakimi Ahmad Wais
14 d.b.a. Extreme Oil Change and Lube Center. Respondent's business papers provided to
15 customers lists the name of Respondent as Extreme Oil Change.

16 **CONSUMER COMPLAINT (OWEN): 2003 LAND ROVER FREELANDER**

17 29. On or about November 8, 2011, Dena Martin, took a 2003 Land Rover Freelander to
18 Respondent's facility to have the left front axle replaced.

19 30. On or about November 9, 2011, Dennis Owen, Dena's spouse, and an owner of the
20 Land Rover, went to Extreme Oil to pick up the vehicle following the repairs. Before leaving
21 Extreme, Owen discovered the vehicle would not go into reverse. He left the vehicle at Extreme
22 for more fluid to be added to the transmission, but when he returned about 45 minutes later, the
23 Land Rover still would not go into reverse gear. Extreme advised Owen to drive the vehicle for a
24 while and to return if the condition did not improve. Owen left Extreme with the vehicle, but
25 returned later because the vehicle still would not go into reverse gear.

26 31. On or about November 10, 2011, Mike told Owen that there was an internal problem
27 with the transmission that was not Extreme's fault. Mike had the vehicle towed to European
28 Automotive. European Automotive asked Owen for permission to remove the transmission from

1 the vehicle for inspection because Mike listed Owen as financially responsible for the
2 transmission repairs. Owen gave permission to remove the transmission. European Automotive
3 subsequently informed Owen that a bolt had been removed from the transmission causing the
4 "reverse" to fail. Owen contacted Mike about the problem. Mike offered to install a used
5 transmission in the vehicle.

6 32. On or about December 1, 2011, Owen filed a complaint with the Bureau. On or about
7 December 9, 2011, a representative of the Bureau inspected the Land Rover at European
8 Automotive. During the inspection, the Bureau representative was informed by European their
9 technician found plier marks on the reduction brake band bolt. European Automotive found that
10 the reduction gear brake band bolt had been removed resulting in damage to the transmission.

11 33. On or about December 13, 2011, the Bureau representatives went to Respondent's
12 facility to discuss Owen's complaint. Respondent told the Bureau representatives that his "guy
13 messed up the transmission," and that he had fired him. That same day, the Bureau
14 representatives obtained copies of Respondents' repair records on the vehicle, including Invoice
15 No. 1588.

16 **SIXTH CAUSE FOR DISCIPLINE**

17 **(Departure from Trade Standards)**

18 34. Respondent's ARD Registration is subject to disciplinary action pursuant to Code
19 section 9884.7, subdivision (a)(7), in that Respondent willfully departed from or disregarded
20 accepted trade standards for good and workmanlike repair without the consent of the owner or the
21 owner's authorized representative in a material respect. During repairs at Extreme, Respondent
22 and/or Respondent's authorized personnel removed the reduction gear brake band bolt from the
23 transmission on Owen's 2003 Land Rover that prevented the transmission from going into reverse
24 gear.

25 **SEVENTH CAUSE FOR DISCIPLINE**

26 **(Violations of Regulations)**

27 35. Respondent's ARD Registration is subject to disciplinary action pursuant to Code
28 section 9884.7(a)(6) because Respondent failed to comply with Regulation 3356 (a)(2)(A), in a

1 material respect. Respondent charged Owen \$65 "an hour" for labor as reflected on the invoice,
2 but failed to list, describe, or identify the repair work that was actually performed on the vehicle.

3 **UNDERCOVER OPERATION #1: 1997 ACURA**

4 36. On April 3, 2012, an undercover operator of the Bureau ("operator") took the
5 Bureau's 1997 Acura to Respondent's facility. The front brake pads on the Bureau-documented
6 vehicle were in need of replacement; no other repairs were needed on the brake system. The
7 operator told Respondent that there was a noise coming from the front end of the vehicle.
8 Respondent instructed one of his employees to check for the noise, then had the operator proceed
9 to the office/waiting room area, where she was given a written estimate for a free diagnostic
10 check. The operator left the facility.

11 37. At approximately 1345 hours that same day, Respondent's employee, Carl, called the
12 operator and told her that he needed to speak with her about the vehicle. At approximately 1405
13 hours, the operator went to the facility and met with Carl. Carl took the operator into the shop,
14 and showed her the brake rotors on the vehicle. Carl stated that there were spots on all of the
15 rotors, the front and rear brake pads were worn under 50%, and the calipers were loose. Carl
16 gave the operator a verbal estimate of \$575 plus tax for the repairs and an oil change service. The
17 operator authorized the work.

18 38. On April 4, 2012, the operator went to the facility to retrieve the vehicle, paid \$575
19 for the repairs, and received a copy of Invoice No. [REDACTED].

20 39. On and between April 13, 2012 and April 16, 2012, the Bureau inspected the vehicle,
21 and found that the facility had performed unnecessary repairs on the brake system.

22 **EIGHTH CAUSE FOR DISCIPLINE**

23 **(Untrue or Misleading Statements)**

24 40. Respondent's ARD Registration is subject to disciplinary action pursuant to Code
25 section 9884.7(a)(1), because Respondent made or authorized statements which he knew or in the
26 exercise of reasonable care should have known them to be untrue or misleading. Respondent's
27 employee, Carl, represented to the operator that there were spots on all of the rotors of the
28 Bureau's 1997 Acura, the front and rear brake pads were worn under 50%, and the calipers were

1 loose. In fact, the front and rear brake rotors were new, were within manufacturer's
2 specifications, had no grooves, no hot spots, no warping, or cracks, and were not in need of
3 replacement at the time the vehicle was taken to Respondent's facility. The vehicle's rear brake
4 pads were within manufacturer's specifications, were making proper contact with the rotors, had
5 no cracks or heat checking, and were not in need of replacement.

6 **NINTH CAUSE FOR DISCIPLINE**

7 **(Fraud)**

8 41. Respondent's ARD Registration is subject to disciplinary action pursuant to Code
9 section 9884.7(a)(4), because Respondent committed acts constituting fraud. Paragraphs 36 and
10 37 are incorporated herein as though set forth at length. Respondent's employee, Carl, while in
11 the course and scope of his job duties and responsibilities for Respondent, made false or
12 misleading representations to the operator regarding the condition of the brake system on the
13 Bureau's 1997 Acura and induced the operator to purchase unnecessary repairs for the vehicle
14 including the replacement of the front and rear brake rotors and rear brake pads.

15 **TENTH CAUSE FOR DISCIPLINE**

16 **(Violations of the Code)**

17 42. Respondent's ARD Registration is subject to disciplinary action pursuant to Code
18 section 9884.7(a) (6) because Respondent failed to comply with section 9884.9(a) in a material
19 respect. Respondent's employee, Carl, failed to provide the operator with a written estimate for
20 the brake repairs on the Bureau's 1997 Acura.

21 **ELEVENTH CAUSE FOR DISCIPLINE**

22 **(Violations of Regulations)**

23 43. Respondent's ARD Registration is subject to disciplinary action pursuant to Code
24 section 9884.7(a)(6) because Respondent failed to comply with Regulation 3356 in the following
25 material respects:

26 a. **Subdivision (a)(2)(A)**: Respondent failed to list, describe, or identify on the invoice
27 all repair work performed on the Bureau's 1997 Acura, specifically, the labor relating to the
28 replacement of the front and rear brake pads and front and rear brake rotors.

1 **THIRTEENTH CAUSE FOR DISCIPLINE**

2 **(Violations of the Code)**

3 49. Respondent's ARD Registration is subject to disciplinary action pursuant to Code
4 section 9884.7(a)(6) because Respondent failed to comply with section 9884.9(a) in the following
5 material respects: Respondent failed to provide the operator with written estimates before
6 diagnosing and repairing the brake system on the Bureau's 1996 Ford.

7 **FOURTEENTH CAUSE FOR DISCIPLINE**

8 **(Violations of Regulations)**

9 50. Respondent's ARD Registration is subject to disciplinary action pursuant to Code
10 section 9884.7(a)(6) because Respondent failed to comply with Regulation 3356 in the following
11 material respects:

12 a. **Subdivision (a)(1)**: Respondent failed to show his automotive repair dealer
13 registration number on Estimate No. [REDACTED].

14 b. **Subdivision (a)(2)(A)**: Respondent failed to list, describe, or identify on Estimate
15 No. [REDACTED] all repair work performed on the Bureau's 1996 Ford, specifically, the labor relating to
16 the replacement of the front brake pads and rotors.

17 c. **Subdivision (a)(2)(B)**: Respondent failed to state on Estimate No. [REDACTED] whether the
18 parts installed on the Bureau's 1996 Ford were new, used, reconditioned, or rebuilt.

19 **UNDERCOVER OPERATION #3: 1995 OLDSMOBILE**

20 51. On June 19, 2012, an undercover operator of the Bureau ("operator") took a 1995
21 Oldsmobile to Respondent's facility. The left stabilizer bar bushing had been removed from the
22 Bureau-documented vehicle. The operator requested Respondent's employees to perform an oil
23 change and diagnose a "clunk" noise at the front end of the vehicle. The employee drove the
24 vehicle into the shop. The employee met with the operator and told her that the transmission pan
25 gasket was leaking. The employee took the operator into the shop and showed her the
26 transmission pan. The employee claimed that there was transmission fluid on the bottom of the
27 pan, then stated that the transmission should be serviced and the pan gasket replaced. The

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1 employee gave the operator a verbal estimate of \$150 for the repairs. The operator authorized the
2 work and left the facility.

3 52. At approximately 1200 hours, the operator returned to the facility, paid \$152.19 for
4 the repairs, and received a copy of Invoice No. [REDACTED]. The operator asked about the clunk noise
5 and was told to return the vehicle so that it could be checked.

6 53. At approximately 1240 hours, the operator returned the vehicle to the facility and
7 requested a diagnosis of the front end noise. The operator was requested to leave the vehicle for
8 the diagnosis. The operator agreed and left the facility.

9 54. At approximately 1335 hours, the facility called the operator, and informed her that
10 the stabilizer bar bushing was missing and that it would cost \$135 to repair the vehicle. The
11 operator authorized the work.

12 55. On June 20, 2012, the operator went to the facility to retrieve the vehicle, paid \$135
13 for the repairs, and received a copy of Invoice No. [REDACTED].

14 56. On July 5, 2012, the Bureau inspected the vehicle and found that the left stabilizer bar
15 bushing had not been properly installed and that the facility had performed unnecessary repairs.

16 **FIFTEENTH CAUSE FOR DISCIPLINE**

17 **(Untrue or Misleading Statements)**

18 57. Respondent's ARD Registration is subject to disciplinary action pursuant to Code
19 section 9884.7(a)(1) because Respondent made or authorized statements knowing or in the
20 exercise of reasonable care should have known to be untrue or misleading. Respondent's
21 employee represented to the operator that the transmission pan gasket on the Bureau's 1995
22 Oldsmobile was leaking, the transmission needed to be serviced and the pan gasket replaced. The
23 true facts are the vehicle did not have any fluid leaks and the transmission had been serviced
24 including installation of a new gasket prior to the vehicle being taken to Respondent's facility.

25 **SIXTEENTH CAUSE FOR DISCIPLINE**

26 **(Fraud)**

27 58. Respondent's ARD Registration is subject to disciplinary action pursuant to Code
28 section 9884.7(a)(4) because Respondent committed acts constituting fraud. Paragraph 51

1 through 56 are incorporated herein as though set forth at length. Respondent's employee while
2 in the course and scope of his job duties made false or misleading representations to the operator
3 regarding the condition of the Bureau's 1995 Oldsmobile inducing the operator to purchase
4 unnecessary repairs on the vehicle including servicing of the transmission that included
5 replacement of the transmission oil filter and transmission pan gasket and the addition of 6 quarts
6 of transmission oil.

7 **SEVENTEENTH CAUSE FOR DISCIPLINE**

8 **(Departure from Trade Standards)**

9 59. Respondent's ARD Registration is subject to disciplinary action pursuant to Code
10 section 9884.7(a)(7) because Respondent willfully departed from or disregarded accepted trade
11 standards for good and workmanlike repair without the consent of the owner or the owner's
12 authorized representative in material respects. Respondent failed to properly install the left
13 stabilizer bar bushing on the Bureau's 1995 Oldsmobile by cross-threading the front stabilizer bar
14 bushing retainer bolt and failed to completely install it on the vehicle potentially causing
15 premature failure of the stabilizer bar bushing and bracket. Respondent modified or degraded the
16 stabilizer bar bushing by cutting the bushing and removing the bushing material. As a result, the
17 stabilizer bar was not in the correct position on the vehicle, allowing it to come into contact with
18 the cradle assembly.

19 **EIGHTEENTH CAUSE FOR DISCIPLINE**

20 **(Violations of the Code)**

21 60. Respondent's ARD Registration is subject to disciplinary action pursuant to Code
22 section 9884.7(a)(6) because Respondent failed to comply with section 9884.9(a) in material
23 respects. Respondent failed to provide the operator with written estimates for the diagnoses and
24 repairs performed on the Bureau's 1995 Oldsmobile.

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1 NINETEENTH CAUSE FOR DISCIPLINE

2 (Violations of Regulations)

3 61. Respondent's ARD Registration is subject to disciplinary action pursuant to Code
4 section 9884.7(a)(6) because Respondent failed to comply with Regulation 3356 in the following
5 material respects:

6 a. Subdivision (a)(2)(A): Respondent failed to list, describe, or identify on Invoice No.
7 [REDACTED] all repair work performed on the Bureau's 1995 Oldsmobile, specifically, the labor relating
8 to the transmission service on the vehicle.

9 b. Subdivision (a)(2)(B): Respondent failed to state on Invoice Nos. [REDACTED] and [REDACTED]
10 whether the parts installed on the Bureau's 1995 Oldsmobile were new, used, reconditioned, or
11 rebuilt.

12 OTHER MATTERS

13 62. Pursuant to Code section 9884.7(c), the Director may suspend, revoke, or place on
14 probation the registration for all places of business operated in this state by Respondent Hakimi
15 Ahmad Wais, owner of Extreme Oil Change and Lube Center, upon a finding that said
16 Respondent has, or is, engaged in a course of repeated and willful violations of the laws and
17 regulations pertaining to an automotive repair dealer.

18 PRAYER

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

21 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
22 258601, issued to Hakimi Ahmad Wais, owner of Extreme Oil Change and Lube Center;

23 2. Revoking or suspending any other automotive repair dealer registration issued to
24 Hakimi Ahmad Wais;

25 3. Ordering Hakimi Ahmad Wais, owner of Extreme Oil Change and Lube Center, to
26 pay the Director of Consumer Affairs the reasonable costs of the investigation and enforcement of
27 this case, pursuant to Business and Professions Code section 125.3; and,

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

DATED: June 19 2003



JOHN WALLAUCH
Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant

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