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

11  
12 In the Matter of the Accusation Against:

Case No. 77/14-39

13 **SUJELL E. LOPEZ,**  
14 **DBA ECONO LUBE MEINEKE 4047**  
15 **5500 Van Buren Blvd.**  
**Riverside, CA 92503**

**A C C U S A T I O N**

16 **Automotive Repair Dealer Registration**  
**No. ARD 259277**

17 **Smog Check Station License No. RC 259277**

18 Respondent.

19  
20 Complainant alleges:

21 **PARTIES**

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

24 License History

25 2. On or about August 28, 2009, the Bureau of Automotive Repair issued Automotive  
26 Repair Dealer Registration Number ARD 259277 to Sujell E. Lopez, doing business as Econo  
27 Lube Meineke 4047 (Respondent). The Automotive Repair Dealer Registration expired on July  
28 31, 2013, and has not been renewed.



1 (a) Violates any section of the Business and Professions Code which relates to  
2 his or her licensed activities.

3 . . . .

4 (c) Violates any of the regulations promulgated by the director pursuant to this  
chapter [the Automotive Repair Act].

5 (d) Commits any act involving dishonesty, fraud, or deceit whereby another is  
6 injured.

7 . . . .

8 (h) Violates or attempts to violate the provisions of this chapter relating to the  
particular activity for which he or she is licensed.

9 . . . .

10 11. Section 9884.7 of the Code states:

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

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

17 (2) Causing or allowing a customer to sign any work order that does not state  
18 the repairs requested by the customer or the automobile's odometer reading at the  
time of repair.

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 . . . .

25 12. Section 9889.9 of the Code provides that [w]hen any license has been revoked or  
26 suspended following a hearing under the provisions of this article [Article 7 of the Automotive  
27 Repair Act], any additional license issued under Articles 5 and 6 of this chapter in the name of the  
28 licensee may be likewise revoked or suspended by the director.

1 13. Section 17200 of the Code states:

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

6 14. Section 17500 of the Code states:

7 It is unlawful for any person, firm, corporation or association, or any employee  
8 thereof with intent directly or indirectly to dispose of real or personal property or to  
9 perform services, professional or otherwise, or anything of any nature whatsoever or  
10 to induce the public to enter into any obligation relating thereto, to make or  
11 disseminate or cause to be made or disseminated before the public in this state, or to  
12 make or disseminate or cause to be made or disseminated from this state before the  
13 public in any state, in any newspaper or other publication, or any advertising device,  
14 or by public outcry or proclamation, or in any other manner or means whatever,  
15 including over the Internet, any statement, concerning that real or personal property  
16 or those services, professional or otherwise, or concerning any circumstance or  
17 matter of fact connected with the proposed performance or disposition thereof, which  
18 is untrue or misleading, and which is known, or which by the exercise of reasonable  
19 care should be known, to be untrue or misleading, or for any person, firm, or  
20 corporation to so make or disseminate or cause to be so made or disseminated any  
21 such statement as part of a plan or scheme with the intent not to sell that personal  
22 property or those services, professional or otherwise, so advertised at the price stated  
23 therein, or as so advertised. Any violation of the provisions of this section is a  
24 misdemeanor punishable by imprisonment in the county jail not exceeding six  
25 months, or by a fine not exceeding two thousand five hundred dollars (\$2,500), or by  
26 both that imprisonment and fine.

17 **REGULATORY PROVISIONS**

18 15. California Code of Regulations, title 16, section 3356 states:

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

22 (1) The invoice shall show the automotive repair dealer's registration number  
23 and the corresponding business name and address as shown in the Bureau's records. If  
24 the automotive repair dealer's telephone number is shown, it shall comply with the  
25 requirements of subsection (b) of Section 3371 of this chapter.

26 . . . .

27 16. California Code of Regulations, title 16, section 3371, states:

28 No dealer shall publish, utter, or make or cause to be published, uttered, or  
made any false or misleading statement or advertisement which is known to be false  
or misleading, or which by the exercise of reasonable care should be known to be  
false or misleading. Advertisements and advertising signs shall clearly show the  
following:

1 (a) Firm Name and Address. The dealer's firm name and address as they appear  
2 on the State registration certificate as an automotive repair dealer; and

3 (b) Telephone Number. If a telephone number appears in an advertisement or  
4 on an advertising sign, this number shall be the same number as that listed for the  
5 dealer's firm name and address in the telephone directory, or in the telephone  
6 company records if such number is assigned to the dealer subsequent to the  
7 publication of such telephone directory.

8 17. California Code of Regulations, title 16, section 3373, states:

9 No automotive repair dealer or individual in charge shall, in filling out an  
10 estimate, invoice, or work order, or record required to be maintained by section  
11 3340.15(f) of this chapter, withhold therefrom or insert therein any statement or  
12 information which will cause any such document to be false or misleading, or where  
13 the tendency or effect thereby would be to mislead or deceive customers, prospective  
14 customers, or the public.

#### 15 **COST RECOVERY**

16 18. Section 125.3 of the Code provides, in pertinent part, that the Board may request  
17 the administrative law judge to direct a licentiate found to have committed a violation or  
18 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
19 and enforcement of the case, with failure of the licentiate to comply subjecting the license to not  
20 being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs  
21 may be included in a stipulated settlement.

#### 22 **UNDERCOVER VEHICLE No. 1: 1996 PONTIAC**

23 19. After receiving numerous consumer complaints against Respondent alleging  
24 violations of the Business and Professions Code and California Code of Regulations, the Bureau  
25 conducted an office conference on or about March 7, 2012 to address the complaints and make  
26 recommendations. Respondent's representatives were present and acknowledged attendance at  
27 the meeting and receipt of the Bureau's recommendations.

28 20. On or about May 1, 2013, a Bureau representative prepared an undercover vehicle  
by bending the left rear front lateral link to require changing. The remainder of the front and rear  
suspension components had been inspected and were in good condition with no damage or  
functional defects.

21. On or about July 9, 2013, an undercover operator (U/O) brought the vehicle to  
Respondent to be checked for a rear knocking noise. The vehicle's odometer read 141,764

1 miles. The odometer reading was not recorded on the estimate. Respondent, through its  
2 employee, conducted an inspection of the vehicle. Respondent told the U/O that she needed to  
3 replace both rear struts because they were worn, that it was a good thing she came in when she  
4 did, and that if she did not replace the struts she could get into a serious accident. Respondent  
5 offered to give the U/O a free wheel alignment. Respondent provided the U/O a written estimate  
6 for \$545 with a recommendation to replace the rear struts and an alignment. After returning to  
7 pick up the vehicle, the U/O was directed to an office where a second employee presented her  
8 with an invoice for \$561. The invoice did not contain Respondent's business address as  
9 registered with the Bureau. The U/O argued that the first employee gave her an estimate for  
10 \$545 and all she had was \$550. The invoice amount was changed to \$549.99. The U/O brought  
11 the undercover vehicle to an undisclosed location where the Bureau representative took custody.

12 22. On or about July 10, 2013, the Bureau representative re-inspected the undercover  
13 vehicle. The right and left rear struts and strut mounts had been replaced by Respondent, even  
14 though the struts/mounts had been previously inspected, tested, and found to be functioning  
15 properly by the Bureau representative. Both strut dust boots had not been properly secured.  
16 There was no evidence of witness marks or disturbed grime on the suspension's adjustment point  
17 fasteners, indicating that wheel alignment adjustment had not been performed. Respondent  
18 performed an improper diagnostic in that the clearly visible bent left rear front lateral link, which  
19 was the cause of the suspension noise, had not been replaced. Respondent authorized untrue and  
20 misleading statements to the U/O that the undercover vehicle was unsafe to drive and  
21 emphasized the need for replacement. Respondent authorized false or untrue statements that  
22 Respondent would provide a free alignment, and the alignment was not performed.

23 **FIRST CAUSE FOR DISCIPLINE**

24 **(False, Untrue or Misleading Statements)**

25 23. Respondent's registration is subject to disciplinary action pursuant to Code  
26 sections 9884.7, subdivision (a)(1), and 17500, and California Code of Regulations, title 16,  
27 sections 3371 and 3373, in that Respondent made or authorized statements which it knew, or in

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1 the exercise of reasonable care should have known to be false, untrue or misleading as described  
2 in paragraphs 21 and 22, above.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Fraud)**

5 24. Respondent is subject to disciplinary action pursuant to Code section 9884.7,  
6 subdivision (a)(4), in that Respondent committed acts constituting fraud, as described in  
7 paragraphs 21 and 22, above.

8 **THIRD CAUSE FOR DISCIPLINE**

9 **(Unfair Business Practices)**

10 25. Respondent is subject to disciplinary action pursuant to Code section 17200 in  
11 that Respondent's conduct constituted unfair business practices, as described in paragraphs 21  
12 and 22, above.

13 **FOURTH CAUSE FOR DISCIPLINE**

14 **(Violations of the Code)**

15 26. Respondent is subject to disciplinary action pursuant to Code section 9884.7,  
16 subdivision (a)(2), in that Respondent allowed a customer to sign a work order that did not  
17 record the automobile's odometer reading, as described in paragraphs 21 and 22, above.

18 **FIFTH CAUSE FOR DISCIPLINE**

19 **(Violations of Regulations)**

20 27. Respondent is subject to disciplinary action pursuant to California Code of  
21 Regulations, title 16, section 3356, in that the invoice did not contain the business address as  
22 registered with the Bureau, as described in paragraphs 21 and 22, above.

23 **UNDERCOVER VEHICLE No. 2: 2004 SATURN**

24 28. On or about July 24, 2013, a Bureau representative prepared an undercover  
25 vehicle by introducing a malfunction by disconnecting the temperature control cable from the  
26 HVAC control module. The remainder of the vehicle's HVAC system was inspected and found  
27 to be in good operating condition and did not require any repairs.

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**SEVENTH CAUSE FOR DISCIPLINE**

**(Fraud)**

32. Respondent is subject to disciplinary action pursuant to Code section 9884.7, subdivision (a)(4), in that Respondent committed acts constituting fraud, as described in paragraphs 29 and 30, above.

**EIGHTH CAUSE FOR DISCIPLINE**

**(Unfair Business Practices)**

33. Respondent is subject to disciplinary action pursuant to Code section 17200 in that Respondent's conduct constituted unfair business practices, as described in paragraphs 29 and 30, above.

**NINTH CAUSE FOR DISCIPLINE**

**(Violations of Regulations)**

34. Respondent is subject to disciplinary action pursuant to California Code of Regulations, title 16, section 3356, in that the invoice did not contain the business address as registered with the Bureau, as described in paragraphs 29 and 30, above.

**OTHER MATTERS**

35. Pursuant to Code section 9884.7, subdivision (c), the Director may suspend, revoke, or place on probation the registration for all places of business operated in this state by Respondent Sujell E. Lopez, doing business as Econo Lube Meineke 4047, upon a finding that said Respondent has, or is, engaged in a course of repeated and willful violations of the laws and regulations pertaining to an automotive repair dealer.

**PRAYER**

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

1. Revoking or suspending Automotive Repair Dealer Registration Number ARD 259277, issued to Sujell E. Lopez, doing business as Econo Lube Meineke 4047;
2. Revoking or suspending Smog Check Station License Number RC 259277, issued to Sujell E. Lopez, doing business as Econo Lube Meineke 4047;

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3. Ordering Sujell E. Lopez to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED: February 6, 2014 

PATRICK DORAIS  
Chief  
Bureau of Automotive Repair  
Department of Consumer Affairs  
State of California  
*Complainant*

SD2013706334