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4 **BEFORE THE**  
5 **DEPARTMENT OF CONSUMER AFFAIRS**  
6 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**  
7 **STATE OF CALIFORNIA**

8 In the Matter of the Accusation Against:

Case No. 77/14-13

9 **MEINEKE CAR CARE; RALPH AHMAD,**  
10 **OWNER**

11 **9025 Folsom Boulevard**  
12 **Sacramento, Ca 95826**

**DEFAULT DECISION AND ORDER**

13 **Automotive Repair Dealer Registration No.**  
14 **266256**

[Gov. Code, §11520]

15 Respondent.

16 FINDINGS OF FACT

17 1. On or about August 30, 2013, Complainant Patrick Dorais, in his official capacity as  
18 the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs, filed Accusation  
19 No. 77/14-13 against Meineke Car Care; Ralph Ahmad, Owner (Respondent) before the Director  
20 of Consumer Affairs. (Accusation attached as Exhibit A.)

21 2. On or about August 15, 2011, the Bureau of Automotive Repair (Bureau) issued  
22 Automotive Repair Dealer Registration No. 266256 to Respondent. The Automotive Repair  
23 Dealer Registration was in full force and effect at all times relevant to the charges brought in  
24 Accusation No. 77/14-13 and expired on August 31, 2013. This lapse in licensure, however, does  
25 not deprive the Bureau of its authority to institute or continue this disciplinary proceeding,  
26 pursuant to Business and Professions Code section 118(b).

27 //

1           3.     On or about October 10, 2013, Respondent was served by Certified and First Class  
2 Mail copies of the Accusation No. 77/14-13, Statement to Respondent, Notice of Defense,  
3 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,  
4 and 11507.7) at Respondent's address of record which, pursuant to Business and Professions  
5 Code section 136, is required to be reported and maintained with the Bureau. Respondent's  
6 address of record was and is:

7 9025 Folsom Boulevard  
8 Sacramento, Ca 95826.

9           4.     Service of the Accusation was effective as a matter of law under the provisions of  
10 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
11 124.

12           5.     On or about October 15, 2013, the Office of the Attorney General received the USPS  
13 return receipt postcard for the Certified Mail signed by Respondent and/or an agent of  
14 Respondent that demonstrates that the certified mail containing Accusation package No. 77/14-13  
15 was actually received by Respondent and/or his agent.

16           6.     Government Code section 11506 states, in pertinent part:

17                 (c) The respondent shall be entitled to a hearing on the merits if the respondent  
18 files a notice of defense, and the notice shall be deemed a specific denial of all parts  
19 of the accusation not expressly admitted. Failure to file a notice of defense shall  
20 constitute a waiver of respondent's right to a hearing, but the agency in its discretion  
21 may nevertheless grant a hearing.

22           7.     Respondent failed to file a Notice of Defense within 15 days after service upon him  
23 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.  
24 77/14-13.

25           8.     California Government Code section 11520 states, in pertinent part:

26                 (a) If the respondent either fails to file a notice of defense or to appear at the  
27 hearing, the agency may take action based upon the respondent's express admissions  
28 or upon other evidence and affidavits may be used as evidence without any notice to  
respondent.

          9.     Pursuant to its authority under Government Code section 11520, the Director after  
having reviewed the proof of service dated October 10, 2013, signed by Praveen Singh, and the  
USPS Track and Confirmation Notice, finds Respondent is in default. The Director will take

1 action without further hearing and, based on Accusation, No. 77/14-13, proof of service and on  
2 the Affidavit of Bureau Representative Julian Rodriguez, finds that the allegations in Accusation  
3 are true.

4 DETERMINATION OF ISSUES

5 1. Based on the foregoing findings of fact, Respondent Meineke Car Care; Ralph  
6 Ahmad, Owner has subjected his Automotive Repair Dealer Registration No. 266256 to  
7 discipline.

8 2. The agency has jurisdiction to adjudicate this case by default.

9 3. The Director of Consumer Affairs is authorized to revoke Respondent's Automotive  
10 Repair Dealer Registration based upon the following violations alleged in the Accusation which  
11 are supported by the evidence contained in the affidavit of Bureau Representative Julian  
12 Rodriguez in this case.:

13 a. Respondent's registration is subject to disciplinary action pursuant to Code section  
14 9884.7, subdivision (a)(1), in that Respondent made or authorized statements that he knew or in  
15 the exercise of reasonable care should have known to be untrue or misleading.

16 b. Respondent's registration is subject to disciplinary action pursuant to Code section  
17 9884.7, subdivision (a)(4), in that Respondent committed acts that constitute fraud.

18 c. Respondent's registration is subject to disciplinary action pursuant to Code section  
19 9884.7, subdivision (a)(6), in that Respondent failed to materially comply with the California  
20 Code of Regulations, title 16, section 3356, subdivision (a)(1), by failing to set forth his  
21 automotive repair dealer registration number on Invoice(s).

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1 ORDER

2 IT IS SO ORDERED that Automotive Repair Dealer Registration No. 266256, heretofore  
3 issued to Respondent Meineke Car Care; Ralph Ahmad, Owner, is revoked.

4 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a  
5 written motion requesting that the Decision be vacated and stating the grounds relied on within  
6 seven (7) days after service of the Decision on Respondent. The motion should be sent to the  
7 Bureau of Automotive Repair, ATTN: William D. Thomas, 10949 North Mather Boulevard,  
8 Rancho Cordova, CA 95670. The agency in its discretion may vacate the Decision and grant a  
9 hearing on a showing of good cause, as defined in the statute.

10  
11 This Decision shall become effective on April 9, 2014.

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13 It is so ORDERED MAR 18 2014

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16 \_\_\_\_\_  
17 DONALD CHANG  
18 Assistant Chief Counsel  
19 Department of Consumer Affairs

20 11280851.DOC  
21 DOJ Matter ID:SA2013109446

22 Attachment:  
23 Exhibit A: Accusation  
24  
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# Exhibit A

Accusation

1 KAMALA D. HARRIS  
Attorney General of California  
2 JANICE K. LACHMAN  
Supervising Deputy Attorney General  
3 JEFFREY M. PHILLIPS  
Deputy Attorney General  
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7 *Attorneys for Complainant*

8 **BEFORE THE**  
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10 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**  
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14 **RALPH AHMAD, OWNER**  
9025 Folsom Boulevard  
Sacramento, California 95826

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

15 Automotive Repair Dealer Registration  
No. ARD 266256

16 Respondent.

17  
18 Patrick Dorais ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation solely in his official capacity as the Acting Chief  
21 of the Bureau of Automotive Repair ("Bureau"), Department of Consumer Affairs.

22 2. On or about August 15, 2011, the Director of Consumer Affairs ("Director") issued  
23 Automotive Repair Dealer Registration Number ARD 266256 to Ralph Ahmad ("Respondent"),  
24 owner of Meineke Car Care. The Automotive Repair Dealer Registration was in full force and  
25 effect at all times relevant to the charges brought herein and will expire on August 31, 2013,  
26 unless renewed.

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6. Code section 9884.8 states:

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

7. Code section 9884.9, subdivision a, states, in pertinent part, that an automotive repair dealer shall give to the customer a written estimated price for labor and parts necessary for a specific job.

8. California Code of Regulations, title 16 ("Regulation"), section 3356, 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 and the corresponding business name and address as shown in the Bureau's records. If the automotive repair dealer's telephone number is shown, it shall comply with the requirements of subsection (b) of Section 3371 of this chapter.

(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.

9. Regulation 3356.1 states:

An automotive repair dealer may charge a customer for costs associated with the handling, management and disposal of toxic wastes or hazardous substances under California or federal law which directly relate to the servicing or repair of the customer's vehicle. Such charge must be disclosed to the customer by being separately itemized on the estimate prepared pursuant to Section 9884.9(a) of the Business and Professions Code and on the invoice prepared pursuant to Section 9884.8 of the Business and Professions Code. In order to assess this charge, the automotive repair dealer must note on the estimate and invoice the station's Environmental Protection Agency identification number required by Section 262.12 of Title 40 of the Code of Federal Regulations.

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1 COST RECOVERY

2 10. 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 CONSUMER COMPLAINT - SHIPLEY

7 11. On or about September 26, 2011, Nathan Shipley ("Shipley") took his 2003 Mazda 6  
8 to Respondent's facility to change the engine oil and for an oil filter. Casey Platz, Respondent's  
9 employee, diagnosed oil leaks from the engine oil pressure switch and the engine oil pan gasket  
10 and recommended replacement of both. Casey also recommended replacement of the driver's side  
11 axle. Respondent provided Shipley with Estimate No. 001365 for \$1,115.30, which specified a  
12 new driver side axle. On or about September 26, 2011, or September 27, 2011, Respondent  
13 performed work on the 2003 Mazda 6. On or about September 27, 2011, Shipley paid \$1,115.30  
14 total in accord with Invoice No. 1164, which Respondent provided to Shipley.

15 12. On or about February 29, 2012, Shipley was informed by a Midas Auto technician  
16 that it did not appear that the oil pan gasket on his 2003 Mazda 6 had been replaced. When  
17 Shipley asked Respondent for a copy of the oil pan gasket receipt, he refused to provide it. On or  
18 about April 12, 2012, Shipley filed a complaint against Respondent with the Bureau.

19 13. On or about July 3, 2012, a Bureau investigator obtained Respondent's receipts for  
20 the automotive parts Respondent purchased for Shipley's 2003 Mazda 6. The Bureau investigator  
21 later compared those receipts to a list of parts Respondent returned for credit to the automotive  
22 parts store on or about September 28, 2011. The list of parts returned included an oil pressure  
23 switch and an oil pan set for a 2003 Mazda 6 with a 3.0 liter engine. Further, it was determined  
24 that Respondent replaced the driver's side axle on the 2003 Mazda 6 with a remanufactured axle,  
25 but invoiced and received payment from Shipley for a new axle.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 (Untrue or Misleading Statements)

3 14. Respondent's registration is subject to disciplinary action pursuant to Code section  
4 9884.7, subdivision (a)(1), in that Respondent made or authorized statements that he knew or in  
5 the exercise of reasonable care should have known to be untrue or misleading as follows:

6 a. Respondent specified a new driver side axle on Estimate No. 001365, which Shipley  
7 signed. Respondent then ordered a remanufactured driver side axle for Shipley's 2000 Mazda 6.

8 b. Respondent represented on Invoice No. 1164 that the driver's side axle on Nathan  
9 Shipley's 2000 Mazda 6 had been replaced with a new axle. In fact, Respondent replaced the axle  
10 with a remanufactured part.

11 c. Respondent represented on Invoice No. 1164 that the oil pressure switch on Nathan  
12 Shipley's 2000 Mazda 6 had been replaced. In fact, that part was not replaced on the vehicle.

13 d. Respondent represented on Invoice No. 1164 that the oil pan set on Nathan Shipley's  
14 2000 Mazda 6 had been replaced. In fact, that part was not replaced on the vehicle.

15 **SECOND CAUSE FOR DISCIPLINE**

16 (Fraudulent Acts)

17 15. Respondent's registration is subject to disciplinary action pursuant to Code section  
18 9884.7, subdivision (a)(4), in that Respondent committed acts that constitute fraud by accepting  
19 payment from Nathan Shipley for parts that he did not replace on the 2000 Mazda 6 and services  
20 that he did not perform, as set forth in paragraph 14, subparagraphs a through d, above.

21 **THIRD CAUSE FOR DISCIPLINE**

22 (Failure to Comply with Regulations)

23 16. Respondent's registration is subject to disciplinary action pursuant to Code section  
24 9884.7, subdivision (a)(6), in that Respondent failed to materially comply with the California  
25 Code of Regulations, title 16, section 3356, subdivision (a)(1), by failing to set forth his  
26 automotive repair dealer registration number on Invoice No. 1164.

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1 CONSUMER COMPLAINT - VALENZUELA

2 17. On or about October 6, 2011, Dolores Valenzuela ("Valenzuela") took her 2001  
3 Chevrolet Monte Carlo to Respondent's facility because of a fuel smell. "Casey", Respondent's  
4 employee, told Valenzuela that they had diagnosed a leaking fuel line. Casey's recommendations  
5 to Valenzuela included repair and replacement of the fuel line and six fuel injectors, stating that  
6 gas leaking from the fuel line had damaged them; and, replacement of the engine's lower intake  
7 manifold and oil pan gaskets. Valenzuela received Estimate No. 001439, for \$4,498.04 and  
8 authorized the repairs.

9 18. Respondent performed work on Valenzuela's 2001 Chevrolet Monte Carlo and, when  
10 Valenzuela returned to retrieve her vehicle on or about October 7, 2011, Respondent provided her  
11 with Invoice No. 1236, in the amount of \$4,498.04, which she paid.

12 19. On or about October 18, 2011, Valenzuela, suspecting that some of the work  
13 performed by Respondent was unnecessary, filed a complaint with the Bureau. On or about  
14 March 7, 2012, the engine of Valenzuela's 2001 Chevrolet Monte Carlo was partially  
15 disassembled and inspected by an authorized Chevrolet dealership. A Certified Chevrolet  
16 Technician at the Chevrolet dealership and the Bureau concluded that the lower intake manifold  
17 gaskets and the engine oil pan gasket were not replaced as invoiced. Bureau personnel also  
18 determined that the six fuel injectors had not been replaced on Valenzuela's 2001 Chevrolet  
19 Monte Carlo.

20 FOURTH CAUSE FOR DISCIPLINE

21 (Untrue or Misleading Statements)

22 20. Respondent's registration is subject to disciplinary action pursuant to Code section  
23 9884.7, subdivision (a)(1), in that Respondent made or authorized statements that he knew or in  
24 the exercise of reasonable care should have known to be untrue or misleading as follows:

25 a. Respondent represented on Invoice No. 1236 that the lower intake manifold gaskets  
26 had been replaced on Dolores Valenzuela's 2001 Chevrolet Monte Carlo. In fact, those parts were  
27 not replaced on the vehicle.

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1 a. Respondent's employee, Casey, made false or misleading statements to the operator  
2 regarding the need to replace parts on the Bureau's 2001 Chevrolet, as set forth in paragraph 26,  
3 subparagraphs a through d, above, in order to induce the operator to authorize unnecessary repairs  
4 on the vehicle, and Respondent then sold the operator the unnecessary repairs.

5 b. Respondent accepted payment on Invoice No. [REDACTED] from the operator for the  
6 replacement of valve cover gaskets in the Bureau's 2001 Chevrolet. In fact, he did not replace  
7 those parts.

8 **NINTH CAUSE FOR DISCIPLINE**

9 (Failure to Comply with Regulations)

10 28. Respondent's registration is subject to disciplinary action pursuant to Code section  
11 9884.7, subdivision (a)(6), in that Respondent failed to materially comply with the California  
12 Code of Regulations, title 16, section 3356, subdivision (a)(1), by failing to set forth his  
13 automotive repair dealer registration number on Estimate No. [REDACTED] and Invoice No. [REDACTED].

14 **OTHER MATTERS**

15 29. Pursuant to Code section 9884.7, subdivision (c), the Director may suspend, revoke,  
16 or place on probation the registration for all places of business operated in this state by  
17 Respondent Ralph Ahmad, owner of Meineke Car Care, upon a finding that Respondent has, or  
18 is, engaged in a course of repeated and willful violations of the laws and regulations pertaining to  
19 an automotive repair dealer.

20 **PRAYER**

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

23 1. Revoking or suspending Automotive Repair Dealer Registration Number  
24 ARD 266256, issued to Ralph Ahmad, owner of Meineke Car Care;

25 2. Revoking or suspending any other automotive repair dealer registration issued to Ralph  
26 Ahmad;

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1           3.    Ordering Ralph Ahmad to pay the Director of Consumer Affairs the reasonable costs  
2 of the investigation and enforcement of this case, pursuant to Business and Professions Code  
3 section 125.3; and,

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

5 DATED: August 30, 2013



PATRICK DORAIS  
Acting Chief  
Bureau of Automotive Repair (CPO)  
Department of Consumer Affairs  
State of California  
*Complainant*

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