

1 KAMALA D. HARRIS
Attorney General of California
2 KENT D. HARRIS
Supervising Deputy Attorney General
3 STERLING A. SMITH
Deputy Attorney General
4 State Bar No. 84287
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 445-0378
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 77/16-17

13 **LARRY WALTER HUGHES (aka "Walt")**
14 **dba LARRY "THE CAR GUY"**
15 **319 Grant Street**
16 **Turlock, CA 95380**

ACCUSATION

17 **Automotive Repair Dealer Registration**
18 **No. 270009**

Respondent.

19 Patrick Dorais ("Complainant") alleges:

20 **PARTIES**

- 21 1. Complainant brings this Accusation solely in his official capacity as the Chief of the
22 Bureau of Automotive Repair ("Bureau"), Department of Consumer Affairs.
- 23 2. On or about August 21, 2012, the Bureau issued Automotive Repair Dealer
24 Registration Number 270009 to Larry Walter Hughes (aka "Walt") ("Respondent"), doing
25 business as Larry "The Car Guy". The registration expired on August 31, 2013, and has not been
26 renewed.

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1 crash parts or nonoriginal equipment manufacturer aftermarket crash parts. One copy
2 of the invoice shall be given to the customer and one copy shall be retained by the
3 automotive repair dealer.

4 6. Code section 9884.9 states:

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

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

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

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

28 _____
(signature or initials)"

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

7. Code section 9884.11 states:

Each automotive repair dealer shall maintain any records that are required
by regulations adopted to carry out this chapter [the Automotive Repair Act]. Those
records shall be open for reasonable inspection by the chief or other law enforcement
officials. All of those records shall be maintained for at least three years.

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

1 REGULATORY PROVISIONS

2 9. California Code of Regulations, title 16, section 3356 states, in pertinent part:

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

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

10 10. California Code of Regulations, title 16, section 3371 states, in pertinent part:

11 No dealer shall publish, utter, or make or cause to be published, uttered,
12 or made any false or misleading statement or advertisement which is known to be
13 false or misleading, or which by the exercise of reasonable care should be known to
14 be false or misleading.

15 COST RECOVERY

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

20 CONSUMER COMPLAINT NO. 1 – 1999 HONDA

21 12. On or about July 16, 2013, M.H. ("consumer") contacted Respondent regarding
22 replacing the head gasket on his 1999 Honda because the vehicle was overheating. Respondent
23 went to M.H.'s residence and replaced the head gasket. M.H. paid Respondent \$380 and received
24 an invoice. Following the repair, M.H. discovered bubbles coming up through the radiator,
25 indicating that the head gasket was still leaking. M.H. stated that Respondent did not remove the
26 cylinder head when making the repair which is necessary when repairing the head gasket.
27 Instead, Respondent disconnected the exhaust manifold, lifted the cylinder head, and slid the
28 gasket in. The consumer did not receive a written estimate.

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CONSUMER COMPLAINT NO. 2 – 1999 LEXIS ES 300

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2 18. On or about June 27, 2013, C.R.'s ("consumer") vehicle overheated and she had it
3 towed to Modesto Toyota where it was diagnosed as having two leaking head gaskets and a
4 cracked radiator. No repairs were performed by Modesto Toyota.

5 19. On or about June 28, 2013, the consumer's vehicle was towed to her residence.
6 The consumer contacted Respondent and scheduled to have the repairs performed.

7 20. On or about June 29, 2013, Respondent arrived at the consumer's residence and
8 replaced the radiator, two head gaskets, and reinstalled the water pump and thermostat for \$1,034.
9 After the repairs, the vehicle was still not running properly. Respondent told the consumer that
10 the vehicle needed the ignition coil replaced. Following the replacement of the ignition coil, the
11 vehicle still did not run correctly. Respondent told the consumer that the second ignition coil
12 needed to be replaced. The second ignition coil was then replaced.

13 21. On or about July 3, 2013, the vehicle overheated.

14 22. Between July 3, 2013, and July 7, 2013, the consumer made many attempts to
15 contact Respondent without success.

16 23. On or about July 6, 2013, the consumer had the vehicle towed back to Modesto
17 Toyota for a diagnosis. Modesto Toyota diagnosed the vehicle as having a broken thermostat,
18 missing bolts, the head gaskets were not installed correctly (backwards), and a further inspection
19 was recommended for possible engine damage. No repairs were performed by Modesto Toyota.

20 24. On or about July 12, 2013, the consumer had the vehicle towed to R.M.
21 Automotive for a second diagnostic opinion. R.M. Automotive inspected the vehicle and found a
22 cut off thermostat (no thermostat), melted knock sensors, and a warped engine block. R.M.
23 Automotive recommended replacing the engine (\$3,360.30). The consumer authorized the
24 repairs.

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1 **THIRTEENTH CAUSE FOR DISCIPLINE**

2 **(Failure to Record the Vehicle's Current Odometer Reading on Repair Order)**

3 34. Respondent's registration is subject to discipline under Code section 9884.7(a)(2), in
4 that on or about August 6, 2013, Respondent provided the consumer with a copy of an invoice
5 that did not contain the vehicle's odometer reading.

6 **FOURTEENTH CAUSE FOR DISCIPLINE**

7 **(Failure to Comply with Regulations)**

8 35. Respondent's registration is subject to discipline under Code section 9884.7(a)(6),
9 in that on or about August 6, 2013, Respondent failed to comply with California Code of
10 Regulations, title 16, section 3356(a)(1), in that Respondent failed to have his automotive repair
11 dealer registration number, name, and address listed on the invoice.

12 **FIFTEENTH CAUSE FOR DISCIPLINE**

13 **(Failure to Comply with the Automotive Repair Act)**

14 36. Respondent's registration is subject to discipline under Code section 9884.7(a)(6), in
15 that he failed to comply with Code section 9884.11, when on or about September 19, 2013,
16 Respondent failed to provide repair records, estimates, invoices, and part receipts regarding the
17 consumer's vehicle when requested by a Bureau representative.

18 **CONSUMER COMPLAINT NO. 4 – 1992 MAZDA MIATA**

19 37. On or about October 25, 2013, P.B. ("consumer") found Respondent's ad on
20 Craigslist.org and contacted him regarding replacing a timing belt and water pump in his vehicle.
21 On that same day, Respondent arrived at the consumer residence and completed the repairs. The
22 consumer paid Respondent \$180. Later that day, the consumer drove his vehicle and heard an
23 alarming noise coming from the motor. The consumer contacted Respondent who told him that it
24 was the timing belt and that it needed to reseal itself and then the noise would stop. The
25 consumer drove the vehicle a couple more miles and believed the noise was more serious than the
26 belt needing to reseal itself. The consumer tried contacting Respondent without success. The
27 consumer removed the timing belt cover and found that a bolt was loose and rubbing on the new
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1 timing belt and damaging it. The consumer replaced the timing belt himself. Respondent did not
2 provide the consumer with an estimate or invoice for the repairs.

3 **SIXTEENTH CAUSE FOR DISCIPLINE**

4 **(Failure to Comply with the Automotive Repair Act)**

5 38. Respondent's registration is subject to discipline under Code section 9884.7(a)(6),
6 in that on or about October 25, 2013, Respondent failed to comply with Code section 9884.6(a),
7 by performing repairs without having a valid registration.

8 **SEVENTEENTH CAUSE FOR DISCIPLINE**

9 **(Failure to Comply with the Automotive Repair Act)**

10 39. Respondent's registration is subject to discipline under Code section 9884.7(a)(6),
11 in that on or about October 25, 2013, Respondent failed to comply with provisions of that Code in
12 the following material respects:

13 a. **Section 9884.8:** Respondent failed to provide an invoice for the repairs.

14 b. **Section 9884.9(a):** Respondent failed to provide the consumer with a written
15 estimate for parts and labor.

16 **CONSUMER COMPLAINT NO. 5 – 2003 FORD F150**

17 40. On or about October 26, 2013, M.H. ("consumer") contacted Respondent regarding
18 repairs needed to his vehicle because it was running rough. Respondent arrived at the consumer's
19 residence and inspected the vehicle. Respondent told the consumer that the vehicle needed a
20 valve job. Respondent took the consumer's vehicle to his shop to perform the repairs. The
21 following day, Respondent returned with the vehicle and told the consumer it was repaired. The
22 consumer paid Respondent \$600. The consumer discovered that Respondent failed to perform
23 the repairs. The consumer did not receive an estimate or invoice for the repairs.

24 **EIGHTEENTH CAUSE FOR DISCIPLINE**

25 **(Failure to Comply with the Automotive Repair Act)**

26 41. Respondent's registration is subject to discipline under Code section 9884.7(a)(6),
27 in that on or about October 26, 2013, Respondent failed to comply with Code section 9884.6(a),
28 by performing repairs without having a valid registration.

1 NINETEENTH CAUSE FOR DISCIPLINE

2 (Failure to Comply with the Automotive Repair Act)

3 42. Respondent's registration is subject to discipline under Code section 9884.7(a)(6),
4 in that on or about October 26, 2013, Respondent failed to comply with provisions of that Code in
5 the following material respects:

6 a. **Section 9884.8:** Respondent failed to provide an invoice for the repairs.

7 b. **Section 9884.9(a):** Respondent failed to provide the consumer with a written
8 estimate for parts and labor.

9 CONSUMER COMPLAINT NO. 6 – 1994 FORD MOTORHOME/EXPEDITION

10 43. On or about July 7, 2013, J.T. ("consumer") found Respondent's ad on Craigslist.org
11 and contacted him regarding repairs needed to her 1994 Ford Motorhome because it had difficulty
12 starting. The consumer also needed repairs to her 2000 Ford Expedition because the engine light
13 was on. On that same day, Respondent arrived at the consumer residence, inspected the vehicle,
14 and replaced the fuel pump in the motorhome and replaced the oxygen sensors in the Expedition.
15 The consumer paid Respondent \$503 for the repairs and signed and received an invoice.

16 44. A couple of weeks later, the motorhome would not start. The consumer tried to
17 contact the Respondent without success. The consumer's son inspected the motorhome and
18 found that the fuel pump had been cut/modified to fit into the fuel tank. The fuel pump that
19 Respondent had installed was for a 1988-1990 model year. The consumer replaced the fuel pump
20 with the correct model year.

21 45. A Bureau of Automotive Repair representative inspecting the oxygen sensors
22 installed by Respondent in the 2000 Ford Expedition observed that when installed, they were
23 "used" oxygen sensors, and not the new oxygen sensors that J.T. paid Respondent to install in the
24 2000 Ford Expedition.

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1 repair necessary was the replacement of the vehicle's cylinder #1 fuel injector. Respondent
2 inspected the vehicle and told the operator that solenoid #1 had very little spark and the timing
3 belt was bad. While inspecting the vehicle, Respondent moved the engine's wiring harness and
4 spark plug wires causing them to be unsecure and vulnerable to damage. Respondent told the
5 operator that it would cost \$173 to replace the timing belt. The operator authorized the repairs.
6 Moments later, the operator observed Respondent preparing to leave. The operator asked
7 Respondent where he was going and he stated that he was going to get the timing belt. After an
8 hour of Respondent being gone, the operator tried to reach him but without success. Respondent
9 never returned the operator's calls or returned to repair the vehicle.

10 **TWENTY-FOURTH CAUSE FOR DISCIPLINE**

11 **(Failure to Comply with the Automotive Repair Act)**

12 51. Respondent's registration is subject to discipline under Code section 9884.7(a)(6),
13 in that on or about September 17, 2014, Respondent failed to comply with Code section
14 9884.6(a), by providing an estimate for repairs without having a valid registration.

15 **TWENTY-FIFTH CAUSE FOR DISCIPLINE**

16 **(Failure to Comply with Regulations)**

17 52. Respondent's registration is subject to discipline under Code section 9884.7(a)(6),
18 in that on or about July 7, 2013, Respondent failed to comply with California Code of
19 Regulations, title 16, section 3371, in that Respondent placed a false or misleading advertisement
20 on Craigslist.org. (Stockton, California) on or about September 23, 2013, representing himself as
21 a licensed automotive repair dealer, "License #270009" when, in fact, he was not. (See paragraph
22 37 above.) Furthermore, on or about September 14, 2014, Respondent advertised on
23 Craigslist.org (Modesto, California) stating that he was a member of the California Bureau of
24 Automotive Repair, when, in fact, he was not.

25 **OTHER MATTERS**

26 53. Under Code section 9884.7(c), the director may suspend or revoke the registrations
27 for all places of business operated in this state by Larry Walter Hughes, doing business as Larry
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1 "The Car Guy" upon a finding that he has, or is, engaged in a course of repeated and willful
2 violations of the laws and regulations pertaining to an automotive repair dealer.

3 **PRAYER**

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

- 6 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
7 270009, issued to Larry Walter Hughes, doing business as Larry "The Car Guy";
- 8 2. Revoking or suspending any other automotive repair dealer registration issued to
9 Larry Walter Hughes;
- 10 3. Ordering Larry Walter Hughes to pay the Director of Consumer Affairs the
11 reasonable costs of the investigation and enforcement of this case, pursuant to Code section
12 125.3; and,
- 13 4. Taking such other and further action as deemed necessary and proper.

14 DATED: October 20, 2015



15 PATRICK DORAIS
16 Chief
17 Bureau of Automotive Repair
18 Department of Consumer Affairs
19 State of California
20 *Complainant*