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

In the Matter of the Accusation Against:

Case No. 77/16-17

LARRY WALTER HUGHES

DEFAULT DECISION AND ORDER

319 Grant Street
Turlock, CA 95380
Automotive Repair Dealer Registration No.
270009

[Gov. Code, §11520]

Respondent.

FINDINGS OF FACT

1. On or about October 20, 2015, Complainant Patrick Dorais, in his official capacity as the Chief of the Bureau of Automotive Repair - Rancho Cordova, Department of Consumer Affairs, filed Accusation No. 77/16-17 against Larry Walter Hughes (Respondent) before the Department of Consumer Affairs for the Bureau of Automotive Repair (Bureau). (Accusation attached as Exhibit A.)

2. On or about August 21, 2012, the Bureau issued Automotive Repair Dealer Registration No. 270009 to Respondent. The Automotive Repair Dealer Registration expired on August 31, 2013, and has not been renewed.

3. On or about October 28, 2015, Respondent was served by Certified Mail and First Class United States mail with copies of Accusation No. 77/16-17, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business

1 and Professions Code section 136, is required to be reported and maintained with the Bureau.
2 Respondent's address of record was and is: 319 Grant Street, Turlock, CA 95380. A copy of the
3 proof of service is attached as Exhibit B.

4 4. Service of the Accusation was effective as a matter of law under the provisions of
5 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
6 124.

7 5. On or about November 4, 2015, the documents described in Paragraph 3 were
8 returned by the U.S. Postal Service marked "Addressee Unknown," copies of which are attached
9 as Exhibit C.

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

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

16 7. Respondent failed to file a Notice of Defense within 15 days after service upon him
17 of the Accusation or at all, and therefore waived his right to a hearing on the merits of Accusation
18 No. 77/16-17.

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

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

24 9. Pursuant to its authority under Government Code section 11520, the Director after
25 having reviewed the proof of service dated October 28, 2015, signed by Julie Hutcherson of the
26 Office of the Attorney General, Department of Justice, signed on October 28, 2015, (and
27 envelopes returned by the United States Postal Service) finds Respondent is in default. The
28 Director will take action without further hearing and, based on Accusation No. 77/16-17, proof of
service and on the Affidavit of Bureau Representative James Enos, finds that the allegations in
Accusation are true.

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DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Larry Walter Hughes has subjected his Automotive Repair Dealer Registration No. 270009 to discipline:

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

3. The Director is authorized to revoke Respondent's Automotive Repair Dealer Registration based upon the following violations alleged in the Accusation which are supported by the evidence contained in the affidavit of Bureau Representative James Enos in this case.:

a. **Consumer Complaint No. 1:**

(i) Business & Professions Code section 9884.9(a) by not giving consumer a written estimate for parts and labor.

(ii) Business and Professions Code section 9884.7(a)(7) by willfully departing from accepted trade standards of good and workmanlike repair.

(iii) Business and Professions Code section 9884.7(a)(2) by giving the consumer an invoice that did not contain the vehicle's odometer reading.

(iv) Section 3356(a)(1), title 16, California Code of Regulations by not having his automobile repair dealer registration number and address listed on the invoice.

(v) Business and Professions Code section 9884.11 by not providing repair records, estimates, invoices and part receipts for the vehicle when requested by a Bureau representative.

b. **Consumer Complaint No. 2:**

(i) Business and Professions Code sections 9884.8 and 9884.9(a) by not describing labor performed on the invoice or giving the consumer a written estimate.

(ii) Business and Professions Code section 9884.7(a)(7) by willfully departing from accepted trade standards of good and workmanlike repair.

(iii) Business and Professions Code section 9884.7(a)(2) by giving the consumer an invoice that did not contain the vehicle's odometer reading.

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(iv) Section 3356(a)(1), title 16, California Code of Regulations by not having his automobile repair dealer registration number listed on the invoice.

(v) Business and Professions Code section 9884.11 by not providing repair records, estimates, invoices and part receipts regarding the vehicle when requested by a Bureau representative.

c. Consumer Complaint No. 3:

(i) Business & Professions Code section 9884.9(a) by not giving consumer a written estimate for parts and labor.

(ii) Business and Professions Code section 9884.7(a)(7) by willfully departing from accepted trade standards of good and workmanlike repair.

(iii) Business and Professions Code section 9884.7(a)(2) by giving the consumer an invoice that did not contain the vehicle's odometer reading.

(iv) Section 3356(a)(1), title 16, California Code of Regulations by failing to have his automobile repair dealer registration number, name and address listed on the invoice.

(v) Business and Professions Code section 9884.11 by failing to provide repair records, estimates, invoices and part receipts regarding the consumer's vehicle when requested by a Bureau representative.

d. Consumer Complaint No. 4:

(i) Business and Professions Code section 9884.6(a) by performing repairs without having a valid registration.

(ii) Business and Professions Code sections 9884.8 and 9884.9(a) by not describing labor performed on the invoice or giving the consumer a written estimate.

e. Consumer Complaint No. 5:

(i) Business and Professions Code section 9884.6(a) by performing repairs without a valid registration.

1 (ii) Business and Professions Code sections 9884.8 and 9884.9(a) by not providing an
2 invoice for repairs or giving the consumer a written estimate for parts and labor.

3 f. **Consumer Complaint No. 6:**

4 (i) Business and Professions Code section 9884.9(a) by failing to provide the
5 consumer with a written estimate for parts and labor.

6 (ii) Business and Professions Code section 9884.7(a)(7) by willfully departing from
7 accepted trade standards of good and workmanlike repair.

8 (iii) Section 3356(a)(1), title 16, California Code of Regulations by failing to have his
9 automobile repair dealer registration number, name and address listed on the invoice.

10 (iv) Business and Professions Code section 9884.7(a)(2) by proving the consumer
11 with a copy of an invoice that did not contain the vehicle's odometer reading.

12 g. **Undercover Operation No. 1:**

13 (i) Business and Professions Code section 9884.6(a) by providing an estimate for
14 repairs without having a valid registration.

15 (ii) Section 3371, title 16, California Code of Regulations by placing a false or
16 misleading advertisement representing that he was a licensed automotive repair dealer when, in
17 fact, he was not.

18 ORDER

19 IT IS SO ORDERED that Automotive Repair Dealer Registration No. 270009, heretofore
20 issued to Respondent Larry Walter Hughes, is revoked.

21 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
22 written motion requesting that the Decision be vacated and stating the grounds relied on within
23 seven (7) days after service of the Decision on Respondent. The motion should be sent to the

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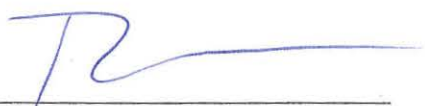
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Bureau of Automotive Repair, ATTN: William D. Thomas, 10949 North Mather Blvd., Rancho Cordova, California 95670. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on April 27, 2016.

It is so ORDERED March 31, 2016


TAMARA COLSON
Assistant General Counsel
Division of Legal Affairs
Department of Consumer Affairs

- Attachment:
Exhibit A: Accusation
Exhibit B: Accusation packet
Exhibit C: Proof of Service and Envelopes Returned by U.S. Postal Service

Exhibit A

Accusation

(LARRY WALTER HUGHES)

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. 177/16-17

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 Dorals ("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 proceedi
against an automotive repair dealer or to render a decision invalidating a registration temporari
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,
shall comply with the following:

5 (1) The invoice shall show the automotive repair dealer's registration
6 number and the corresponding business name and address as shown in the Bureau's
7 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.

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

9 No dealer shall publish, utter, or make or cause to be published, uttered,
10 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.

11 COST RECOVERY

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

16 CONSUMER COMPLAINT NO. 1 - 1999 HONDA

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

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

3 25. Respondent's registration is subject to discipline under Code section 9884.7(a)(6),
4 in that on or about June 29, 2013, Respondent failed to comply with provisions of that Code in
5 the following material respects:

6 a. **Section 9884.8:** Respondent failed to describe labor performed on the invoice.

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

9 **SEVENTH CAUSE FOR DISCIPLINE**

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

11 26. Respondent's registration is subject to discipline under Code section 9884.7(a)(7),
12 in that on or about June 29, 2013, Respondent willfully departed from or disregarded accepted
13 trade standards for good and workmanlike repair, in that Respondent failed to remove the cylinder
14 head and have it inspected at a machine shop for warpage and cracks, and pressure checked.

15 **EIGHTH CAUSE FOR DISCIPLINE**

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

17 27. Respondent's registration is subject to discipline under Code section 9884.7(a)(2), in
18 that on or about June 29, 2013, Respondent provided the consumer with a copy of an invoice that
19 did not contain the vehicle's odometer reading.

20 **NINTH CAUSE FOR DISCIPLINE**

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

22 28. Respondent's registration is subject to discipline under Code section 9884.7(a)(6),
23 in that on or about June 29, 2013, Respondent failed to comply with California Code of
24 Regulations, title 16, section 3356(a)(1), in that Respondent failed to have his automotive repair
25 dealer registration number listed on the invoice.

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1 TENTH CAUSE FOR DISCIPLINE

2 (Failure to Comply with the Automotive Repair Act)

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

7 CONSUMER COMPLAINT NO. 3 - 2001 DODGE DAKOTA

8 30. On or about August 2, 2013, L.R. ("consumer") contacted Respondent regarding
9 replacing the head gasket on his 2001 Dodge Dakota because it was overheating.

10 31. On or about August 6, 2013, Respondent arrived at the consumer residence and
11 replaced the head gaskets. Respondent told the consumer that the power steering hose needed to
12 be replaced (\$75). The consumer authorized the repair. Respondent completed the repairs and
13 the consumer paid him a total of \$500. Later that day, the consumer drove the vehicle and found
14 that the vehicle was leaking a substantial amount of water. The consumer tried contacting
15 Respondent without success. It was discovered that Respondent had failed to properly install the
16 hose clamps on the by-pass hose.

17 ELEVENTH CAUSE FOR DISCIPLINE

18 (Failure to Comply with the Automotive Repair Act)

19 32. Respondent's registration is subject to discipline under Code section 9884.7(a)(6),
20 in that on or about August 6, 2013, Respondent failed to comply with Code section 9884.9(a), in
21 that Respondent failed to provide the consumer with a written estimate for parts and labor.

22 TWELFTH CAUSE FOR DISCIPLINE

23 (Departure from Accepted Trade Standards)

24 33. Respondent's registration is subject to discipline under Code section 9884.7(a)(7),
25 in that on or about August 6, 2013, Respondent willfully departed from or disregarded accepted
26 trade standards for good and workmanlike repair, in that Respondent failed to remove the cylind
27 head and have it inspected at a machine shop for warpage and cracks, and pressure checked.

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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 TWENTIETH CAUSE FOR DISCIPLINE

2 (Failure to Comply with the Automotive Repair Act)

3 46. Respondent's registration is subject to discipline under Code section 9884.7(a)(6),
4 in that on or about July 7, 2013, Respondent failed to comply with Code section 9884.9(a), in that
5 Respondent failed to provide the consumer with a written estimate for parts and labor.

6 TWENTY-FIRST CAUSE FOR DISCIPLINE

7 (Departure from Accepted Trade Standards)

8 47. Respondent's registration is subject to discipline under Code section 9884.7(a)(7),
9 in that on or about July 7, 2013, Respondent willfully departed from or disregarded accepted trade
10 standards for good and workmanlike repair, in that Respondent failed to install the correct fuel
11 pump in the motorhome.

12 TWENTY-SECOND CAUSE FOR DISCIPLINE

13 (Failure to Comply with Regulations)

14 48. Respondent's registration is subject to discipline under Code section 9884.7(a)(6),
15 in that on or about July 7, 2013, Respondent failed to comply with California Code of
16 Regulations, title 16, section 3356(a)(1), in that Respondent failed to have his automotive repair
17 dealer registration number, name, and address listed on the invoice,

18 TWENTY-THIRD CAUSE FOR DISCIPLINE

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

20 49. Respondent's registration is subject to discipline under Code section 9884.7(a)(2), in
21 that on or about July 7, 2013, Respondent provided the consumer with a copy of an invoice that
22 did not contain the vehicle's odometer reading.

23 UNDERCOVER OPERATION NO. 1 - TOYOTA

24 50. On or about September 17, 2014, a Bureau undercover operator ("operator") drove
25 a Bureau documented Toyota to an apartment complex parking lot to meet Respondent to inspect
26 the vehicle. The operator received Respondent's phone number from a Craigslist.org ad. When
27 Respondent arrived at the apartment complex he was greeted by the operator. The operator told
28 Respondent that the vehicle was running rough and the check engine light was on. The only

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
28

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