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

13 In the Matter of the Accusation Against:  
14 **YUSEF AZIZI, OWNER, DOING**  
15 **BUSINESS AS ECONO LUBE 4047**  
**5520 Van Buren**  
**Riverside, CA 92503**

Case No. 77/15-38

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

16 **Automotive Repair Dealer Registration No.**  
17 **ARD 273224**  
**Smog Check Station License No. RC 273224**

18 **YUSEF AZIZI, OWNER, DOING**  
19 **BUSINESS AS ECONO LUBE MEINEKE**  
20 **2225 Club Way**  
**San Bernardino, CA 92425**

21 **195 North McKinley**  
22 **Corona, CA 92879**

23 **Automotive Repair Dealer Registration No.**  
24 **ARD 261796**

25 **YUSEF AZIZI, OWNER, DOING**  
26 **BUSINESS AS ECONO LUBE MEINEKE**  
27 **2650 Alessandro**  
**Riverside, CA 92508**

28

1 **Automotive Repair Dealer Registration No.**  
2 **ARD 274514**

3 **YUSEF AZIZI, OWNER, DOING**  
4 **BUSINESS AS ECONO LUBE N TUNE**  
5 **MEINEKE**  
6 **694 East Highland**  
7 **San Bernardino, CA 92404**

8 **Automotive Repair Dealer Registration No.**  
9 **ARD 261342**

Respondent.

Complainant alleges:

#### PARTIES

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

13 2. On or about June 3, 2013, the Bureau of Automotive Repair issued Automotive  
14 Repair Dealer Registration Number ARD 273224 to Yusef Azizi, owner, doing business as Econo  
15 Lube 4047 (Respondent). The Automotive Repair Dealer Registration was in full force and effect  
16 at all times relevant to the charges brought herein and will expire on June 30, 2015, unless  
17 renewed.

18 3. On or about October 18, 2013, the Bureau of Automotive Repair issued Smog Check  
19 Station License Number RC 273224 to Respondent. The Smog Check Station License was in full  
20 force and effect at all times relevant to the charges brought herein and will expire on June 30,  
21 2016, unless renewed.

22 4. On or about April 30, 2010, the Bureau of Automotive Repair issued Automotive  
23 Repair Dealer Registration Number ARD 261796 to Yusef Azizi, owner, doing business as Econo  
24 Lube Meineke (Corona Meineke). The Automotive Repair Dealer Registration was cancelled on  
25 September 12, 2014.

26 5. On or about October 16, 2013, the Bureau of Automotive Repair issued Automotive  
27 Repair Dealer Registration Number ARD 274514 to Yusef Azizi, owner, doing business as Econo  
28

1 Lube Meineke (Riverside Meineke). The Automotive Repair Dealer Registration was cancelled on  
2 July 16, 2014.

3 6. On or about March 25, 2010, the Bureau of Automotive Repair issued Automotive  
4 Repair Dealer Registration Number ARD 261342 to Yusef Azizi, owner, doing business as Econo  
5 Lube N Tune Meineke (San Bernardino Meineke). The Automotive Repair Dealer Registration  
6 was cancelled on August 27, 2014.

### 7 JURISDICTION

8 7. This Accusation is brought before the Director of Consumer Affairs (Director) for the  
9 Bureau of Automotive Repair, under the authority of the following laws.

10 8. Section 118, subdivision (b), of the Code provides that the suspension, expiration,  
11 surrender, cancellation of a license shall not deprive the Director of jurisdiction to proceed with a  
12 disciplinary action during the period within which the license may be renewed, restored, reissued  
13 or reinstated.

14 9. Section 9884.13 of the Code provides, in pertinent part, that the expiration of a valid  
15 registration shall not deprive the director or chief of jurisdiction to proceed with a disciplinary  
16 proceeding against an automotive repair dealer or to render a decision invalidating a registration  
17 temporarily or permanently.

18 10. Section 9884.20 of the Code states:

19 “All accusations against automotive repair dealers shall be filed within three years after the  
20 performance of the act or omission alleged as the ground for disciplinary action, except that with  
21 respect to an accusation alleging fraud or misrepresentation as a ground for disciplinary action, the  
22 accusation may be filed within two years after the discovery, by the bureau, of the alleged facts  
23 constituting the fraud or misrepresentation.”

24 11. Section 9884.22 of the Code states:

25 “(a) Notwithstanding any other provision of law, the director may revoke, suspend, or deny  
26 at any time any registration required by this article on any of the grounds for disciplinary action  
27 provided in this article. The proceedings under this article shall be conducted in accordance with  
28

1 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government  
2 Code, and the director shall have all the powers granted therein.

3 “ . . . ”

4 12. Section 44002 of the Health and Safety Code provides, in pertinent part, that the  
5 Director has all the powers and authority granted under the Automotive Repair Act for enforcing  
6 the Motor Vehicle Inspection Program.

7 13. Section 44072 of the Health and Safety Code states:

8 “Any license issued under this chapter and the regulations adopted pursuant to it may be  
9 suspended or revoked by the director. The director may refuse to issue a license to any applicant  
10 for the reasons set forth in Section 44072.1. The proceedings under this article shall be conducted  
11 in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2  
12 of the Government Code, and the director shall have all the powers granted therein.”

13 14. Section 44072.4 of the Health and Safety Code states:

14 “The director may take disciplinary action against any licensee after a hearing as provided in  
15 this article by any of the following:

16 “(a) Imposing probation upon terms and conditions to be set forth by the director.

17 “(b) Suspending the license.

18 “(c) Revoking the license.”

19 15. Section 44072.6 of the Health and Safety Code provides, in pertinent part, that the  
20 expiration or suspension of a license by operation of law, or by order or decision of the Director of  
21 Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not deprive the  
22 Director of jurisdiction to proceed with disciplinary action.

23 16. Section 44072.7 of the Health and Safety Code states:

24 “All accusations against licensees shall be filed within three years after the act or omission  
25 alleged as the ground for disciplinary action, except that with respect to an accusation alleging a  
26 violation of subdivision (d) of Section 44072.2, the accusation may be filed within two years after  
27 the discovery by the bureau of the alleged facts constituting the fraud or misrepresentation  
28 prohibited by that section.”





1 or member of Respondent. At all times alleged in this Accusation, Yusef Azizi (Azizi) was acting  
2 in the course and within the scope of a technician, employee, partner, officer, owner, or member of  
3 Respondent, Corona Meineke, Riverside Meineke, and San Bernardino Meineke.

4 23. At all times alleged in this Accusation, any allegation of fraud refers to actual fraud. In  
5 the alternative, fraud refers to constructive fraud as defined in Civil Code sections 1571-1573.

#### 6 **FIRST UNDERCOVER RUN**

7 24. On June 22, 2014, a Bureau undercover operator (the First Operator) received  
8 custody of a Bureau-documented 2000 Honda. In its documented condition, the 2000 Honda had  
9 the following systems in good working condition so that no service or repairs were needed: the  
10 engine/transmission mounts; drive axles; suspension system; steering system; brake system; drive  
11 belts; and engine air filter. At 1026 hours, the First Operator was instructed to go to Econo Lube  
12 4047 (Respondent's facility), tell them that his daughter ran over something, and request an  
13 inspection.

14 25. At 1049 hours that day, the First Operator arrived at Respondent's facility. He spoke  
15 with a young woman about 22 years old, 5'10" tall, and weighing about 120 pounds (Unidentified  
16 Female). The First Operator told the Unidentified Female that his daughter ran over something  
17 and asked that they inspect the vehicle for damage. The Unidentified Female told the First  
18 Operator that the inspection was free and would take 45 minutes. The First Operator gave the  
19 Unidentified Female the fictitious name Bob Pierce. The Unidentified Female prepared an estimate  
20 printout and had the First Operator sign it. The First Operator was given an unsigned copy and  
21 was told he would be notified of the inspection results. The First Operator saw a Hispanic male  
22 wearing a blue uniform with the name David on the right chest area (David) take the vehicle to a  
23 service bay where the vehicle was lifted. David inspected the vehicle and spoke with another  
24 Hispanic male who was wearing shorts, a Meineke polo shirt, was about 5'9" tall, and weighed  
25 about 175 pounds (Rick).

26 26. At 1202 hours, Rick told the First Operator that the vehicle had a bent suspension  
27 control arm and that all four struts were leaking. Rick told the First Operator that he needed to  
28 replacc the control arm and recommended replacing the struts. Rick told the First Operator they

1 had a special on the struts where if he bought two, he would get two more for free. Rick also told  
 2 the First Operator that replacing the struts would avoid future problems with the bushings and  
 3 grommets. Rick told the First Operator the repairs would be done in two hours and would cost  
 4 seven hundred dollars "and change."

5 27. At 1427 hours, the First Operator returned to Respondent's facility. The vehicle was  
 6 still lifted up on a rack and no one was working on it. At 1502 hours, Azizi and Rick went to the  
 7 vehicle in the service bay. They looked at the vehicle with a flash light and spoke with one  
 8 another. At 1610 hours, Rick lowered the vehicle from the lift and parked it in the parking lot.  
 9 The First Operator spoke with Azizi. He told the First Operator that the total repair cost was  
 10 \$718.84. The First Operator paid and was given an unsigned copy of an invoice. The First  
 11 Operator then left Respondent's facility and returned custody of the vehicle to a Bureau  
 12 representative.

13 28. A Bureau representative re-inspected the 2000 Honda and was given the invoice.  
 14 Respondent had replaced the shocks, struts, and right front lower control arm. The shocks/struts  
 15 that Respondent replaced had no leaking. Respondent replaced the right front lower control arm  
 16 and stated on the invoice "looks like it was hit and slightly bent." In fact and in truth it was never  
 17 bent. The invoice did not indicate that Respondent performed a wheel alignment check.

18 29. The following table details Respondent's fraudulent charges:

Description	Parts Costs Including Sales Tax	Service/Installation Labor Cost
Premium shocks	\$312.00	\$180.00
Right lower control arm	\$136.00	\$55.00
Total for Parts	\$448.00	
Total for Labor		\$235.00
Tax	\$35.84	
<b>Total Fraudulent Charges:</b>	<b>\$718.84</b>	

27 ///

28 ///

## SECOND UNDERCOVER RUN

1  
2           30. On August 12, 2013, a Bureau undercover operator (the Second Operator) received  
3 custody of a Bureau-documented 1995 Toyota. In its documented condition, the 1995 Toyota had  
4 the following introduced malfunction that required service: relocation of the left rear stabilizer bar  
5 bushing causing a noise as the car suspension articulates. The only service needed was to re-install  
6 the stabilizer bushing. At 0934 hours, the Second Operator was instructed to take the vehicle to  
7 Respondent's facility, tell them the rear of her car was making a knocking noise, and request an  
8 inspection.

9           31. At 0947 hours, the Second Operator arrived at Respondent's facility and spoke with  
10 Robert. The Second Operator told Robert she picked up the car from her daughter-in-law and that  
11 it was making a knocking noise in the rear. Robert told the Second Operator the inspection was  
12 free. Robert prepared an estimate and the Second Operator provided the fictitious name Terri  
13 Haynes. Robert asked the Second Operator to sign both copies of the estimate and gave her a  
14 copy. The Second Operator waited an hour and no one moved the car from the parking area. The  
15 Second Operator left Respondent's facility.

16           32. At 1254 hours, the Second Operator called Respondent's facility and spoke with  
17 Robert. Robert told the Second Operator the car's rear sway bar bushings were missing and  
18 needed to be replaced. Robert told the Second Operator they could replace the bushings for  
19 \$199.00 "and change." The Second Operator authorized the bushings replaced for \$199.00. At  
20 1523 hours, the Second Operator returned to Respondent's facility spoke with Robert. Robert  
21 told the Second Operator her car was finished and the cost was \$200.00. The Second Operator  
22 paid Robert \$200.00. Robert told the Second Operator to sign the invoice and a reprint of the  
23 estimate with the labor description "reinsert rear sway bar bushings." The Second Operator signed  
24 both. Robert gave the Second Operator a signed copy of the estimate and invoice. At 1537 hours,  
25 the Second Operator left Respondent's facility with the vehicle and returned custody of it to a  
26 Bureau representative.

27           33. A Bureau representative later re-inspected the vehicle with the invoice. The stabilizer  
28 bushing was re-installed as listed in the invoice. Both the revised estimate and invoice state that

1 the Second Operator authorized Respondent to reinsert the rear sway bar bushings. In fact and in  
2 truth, the Second Operator authorized replacement, not reinsertion.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Untrue or Misleading Statement)**

5 34. Complainant re-alleges and incorporates by reference the allegations set forth above in  
6 paragraphs 22-33.

7 35. Respondent's registration is subject to disciplinary action under Code section 9884.7,  
8 subdivision (a)(8), in that Respondent made a false promise of a character likely to influence,  
9 persuade, or induce a customer to authorize the repair, service, or maintenance of an automobile in  
10 the following respect.

11 36. Respondent told the First Operator the vehicle's shocks/struts were leaking and the  
12 control arm was bent. Respondent emphasized the need for replacement. In fact and in truth, as  
13 Respondent well knew, the shocks/struts were not leaking and the control arm was not bent.  
14 Respondent intended the First Operator to rely on this statement to persuade the First Operator to  
15 proceed with the transaction. The First Operator justifiably relied on this misrepresentation. As a  
16 result, the First Operator paid Respondent \$718.84 for the transaction.

17 37. Respondent told the Second Operator the car's rear sway bar bushings were missing  
18 and needed to be replaced. In fact and in truth, as Respondent well knew, the rear sway bar  
19 bushings were not missing and did not need to be replaced. Respondent intended the Second  
20 Operator to rely on this statement to persuade the Second Operator to proceed with the  
21 transaction. The Second Operator justifiably relied on this misrepresentation. As a result, the  
22 Second Operator paid Respondent \$200.00 for the transaction.

23 **SECOND CAUSE FOR DISCIPLINE**

24 **(Work Order Does Not State Repairs Requested)**

25 38. Complainant re-alleges and incorporates by reference the allegations set forth above in  
26 paragraphs 22-37.

27 39. Respondent's registration is subject to disciplinary action under Code section 9884.7,  
28 subdivision (a)(2) in that Respondent caused or allowed a customer to sign any work order that

1 did not state the repairs requested by the customer or the automobile's odometer reading at the  
2 time of repair in the following respect:

3 40. Respondent told the Second Operator the car's rear sway bar bushings were missing  
4 and needed to be replaced. Respondent told the Second Operator they could replace the bushings  
5 for \$199.00 "and change." The Second Operator authorized the bushings replaced for \$199.00.  
6 Both the revised estimate and invoice state that the Second Operator authorized Respondent to  
7 reinsert the rear sway bar bushings. In fact and in truth, the Second Operator authorized  
8 replacement, not reinsertion.

9 **THIRD CAUSE FOR DISCIPLINE**

10 **(Dishonesty, Fraud, Deceit)**

11 41. Complainant re-alleges and incorporates by reference the allegations set forth above in  
12 paragraphs 22-40.

13 42. Respondent's registration is subject to disciplinary action under Code section 9884.7,  
14 subdivision (a)(4), and Respondent's Smog Check, Station License is subject to disciplinary action  
15 under Health and Safety Code sections 44072.2, subdivision (d), in that Respondent committed  
16 dishonest, fraudulent, or deceitful acts whereby another is injured in the following respect:

17 43. Respondent told the First Operator the vehicle's shocks/struts were leaking and the  
18 control arm was bent. In fact and in truth, as Respondent well knew, the shocks/struts were not  
19 leaking and the control arm was not bent. Respondent intended the First Operator to rely on this  
20 statement to persuade the First Operator to proceed with the transaction. The First Operator  
21 justifiably relied on this misrepresentation. As a result, the First Operator paid Respondent  
22 \$718.84 for the transaction.

23 44. Respondent told the Second Operator the car's rear sway bar bushings were missing  
24 and needed to be replaced. In fact and in truth, as Respondent well knew, the rear sway bar  
25 bushings were not missing and did not need to be replaced. Respondent intended the Second  
26 Operator to rely on this statement to persuade the Second Operator to proceed with the  
27 transaction. The Second Operator justifiably relied on this misrepresentation. As a result, the  
28 Second Operator paid Respondent \$200.00 for the transaction.

1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(False Promises)**

3 45. Complainant re-alleges and incorporates by reference the allegations set forth above in  
4 paragraphs 22-44.

5 46. Respondent's registration is subject to disciplinary action under Code section 9884.7,  
6 subdivision (a)(8), in that Respondent made a false promise of a character likely to influence,  
7 persuade, or induce a customer to authorize the repair, service, or maintenance of an automobile in  
8 the following respect:

9 47. Respondent told the First Operator the vehicle's shocks/struts were leaking and the  
10 control arm was bent, requiring replacement. Respondent emphasized the need for replacement.  
11 In fact and in truth, as Respondent well knew, the shocks/struts were not leaking and the control  
12 arm was not bent. Respondent intended the First Operator to rely on this false statement to  
13 persuade the First Operator to proceed with the transaction. The First Operator justifiably relied  
14 on this misrepresentation. As a result, the First Operator paid Respondent \$718.84 for the  
15 transaction.

16 48. Respondent told the Second Operator the car's rear sway bar bushings were missing  
17 and needed to be replaced. In fact and in truth, as Respondent well knew, the rear sway bar  
18 bushings were not missing and did not need to be replaced. Respondent intended the Second  
19 Operator to rely on this statement to persuade the Second Operator to proceed with the  
20 transaction. The Second Operator justifiably relied on this misrepresentation. As a result, the  
21 Second Operator paid Respondent \$200.00 for the transaction.

22 **OTHER MATTERS**

23 49. Under Code section 9884.7, subdivision (c), the Director may suspend, revoke, or  
24 place on probation the registration for all places of business operated in this State by Respondent  
25 upon a finding that Respondent has, or is, engaged in a course of repeated and willful violations of  
26 the laws and regulations pertaining to an automotive repair dealer.

