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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:
**YUSEF AZIZI, OWNER, DOING
BUSINESS AS ECONO LUBE 4047
5520 Van Buren
Riverside, CA 92503**

Case No. 77/15-38

DEFAULT DECISION AND ORDER

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

[Gov. Code, §11520]

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

**195 North McKinley
Corona, CA 92879**

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

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

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.

10 FINDINGS OF FACT

11 1. On or about February 20, 2015, Complainant Patrick Dorais, in his official capacity
12 as the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs, filed
13 Accusation No. 77/15-38 against Yusef Azizi (Respondent) before the Director of Consumer
14 Affairs (Accusation attached as Exhibit A.)

15 2. On or about October 18, 2013, the Bureau of Automotive Repair issued Smog Check
16 Station License Number RC 273224 to Respondent, Owner, doing business as Econo Lube 4047.
17 The Smog Check Station License was in full force and effect at all times relevant to the charges
18 brought in Accusation No. 77/15-38 and will expire on June 30, 2016, unless renewed.

19 3. On or about June 3, 2013, the Bureau of Automotive Repair issued Automotive
20 Repair Dealer Registration Number ARD 273224 to Respondent, Owner, doing business as
21 Econo Lube 4047. The Automotive Repair Dealer Registration was in full force and effect at all
22 times relevant to the charges brought in Accusation No. 77/15-38 and will expire on June 30,
23 2015, unless renewed.

24 4. On or about April 30, 2010, the Bureau of Automotive Repair issued Automotive
25 Repair Dealer Registration Number ARD 261796 to Respondent, Owner, doing business as
26 Econo Lube Meineke. The Automotive Repair Dealer Registration was cancelled on September
27 12, 2014. This lapse in licensure, however, under Business and Professions Code section 118,
28 subdivision (b) and Business and Professions Code section 9884.5 does not deprive the Director
of the authority to institute or continue this disciplinary proceeding.

1 5. On or about October 16, 2013, the Bureau of Automotive Repair issued Automotive
2 Repair Dealer Registration Number ARD 274514 to Respondent, Owner, doing business as
3 Econo Lube Meineke. The Automotive Repair Dealer Registration was cancelled on July 16,
4 2014. This lapse in licensure, however, under Business and Professions Code section 118,
5 subdivision (b) and Business and Professions Code section 9884.5 does not deprive the Director
6 of the authority to institute or continue this disciplinary proceeding.

7 6. On or about March 25, 2010, the Bureau of Automotive Repair issued Automotive
8 Repair Dealer Registration Number ARD 261342 to Respondent, Owner, doing business as
9 Econo Lube N Tune Meineke. The Automotive Repair Dealer Registration was cancelled on
10 August 27, 2014. This lapse in licensure, however, under Business and Professions Code section
11 118, subdivision (b) and Business and Professions Code section 9884.5 does not deprive the
12 Director of the authority to institute or continue this disciplinary proceeding.

13 7. On or about February 23, 2015, Respondent was served by Certified and First Class
14 Mail copies of the Accusation No. 77/15-38, Statement to Respondent, Notice of Defense,
15 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
16 and 11507.7) at Respondent's addresses of record which, under Business and Professions Code
17 section 136 and title 16, California Code of Regulations, section 3303.3, are required to be
18 reported and maintained with the Bureau. Respondent's addresses of record were and are:

19 5520 Van Buren
20 Riverside, CA 92503

21 2225 Club Way
22 San Bernardino, CA 92425

23 195 North McKinley
24 Corona, CA 92879

25 2650 Alessandro
26 Riverside, CA 92508

27 and

28 694 East Highland
San Bernardino, CA 92404.

1 8. Service of the Accusation was effective as a matter of law under the provisions of
2 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
3 124.

4 9. On or about March 4, 6, 9, and 12, 2015, the aforementioned documents were
5 returned by the U.S. Postal Service marked "Return to Sender." The addresses on the documents
6 were the same as the addresses on file with the Bureau. Respondent failed to maintain updated
7 addresses with the Bureau and the Bureau has made attempts to serve the Respondent at the
8 addresses on file. Respondent has not made himself available for service and therefore, has not
9 availed himself of his right to file a notice of defense and appear at hearing.

10 10. 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 11. Respondent failed to file a Notice of Defense within 15 days after service upon him
17 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.
18 77/15-38.

19 12. 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 13. Pursuant to its authority under Government Code section 11520, the Director after
25 having reviewed the proof of service dated February 23, 2015, finds Respondent is in default.
26 The Director will take action without further hearing and, based on Accusation, No. 77/15-38,
27 proof of service and on the Affidavit of Bureau Representative Richard Hunter, finds that the
28 allegations in Accusation are true.

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1 DETERMINATION OF ISSUES

2 1. Based on the foregoing findings of fact, Respondent Yusef Azizi has subjected his
3 Smog Check Station License No. RC 273224 and Automotive Repair Dealer Registration No.
4 ARD 273224, No. ARD 261796, No. ARD 274514, and No. ARD 261342 to discipline.

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

6 3. The Director is authorized to revoke Respondent's Automotive Repair Dealer
7 Registrations and Smog Check Station License based upon the following violations alleged in the
8 Accusation which are supported by the evidence contained in the affidavit of Bureau
9 Representative Richard Hunter in this case:

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

13 b. Respondent's registration is subject to disciplinary action under Code section 9884.7,
14 subdivision (a)(2) in that Respondent caused or allowed a customer to sign any work order that
15 did not state the repairs requested by the customer or the automobile's odometer reading at the
16 time of repair.

17 c. Respondent's registration is subject to disciplinary action under Code section 9884.7,
18 subdivision (a)(4), and Respondent's Smog Check, Station License is subject to disciplinary
19 action under Health and Safety Code sections 44072.2, subdivision (d), in that Respondent
20 committed dishonest, fraudulent, or deceitful acts whereby another is injured.

21 ORDER

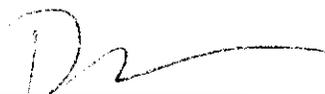
22 IT IS SO ORDERED that Smog Check Station License No. RC 273224 and Automotive
23 Repair Dealer Registration No. ARD 273224, No. ARD 261796, No. ARD 274514, and No. ARD
24 261342, heretofore issued to Respondent Yusef Azizi, are revoked.

25 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
26 written motion requesting that the Decision be vacated and stating the grounds relied on within
27 seven (7) days after service of the Decision on Respondent. The motion should be sent to the
28 Bureau of Automotive Repair, ATTN: William D. Thomas, 10949 North Mather Blvd., Rancho

1 Cordova, CA 95670. The agency in its discretion may vacate the Decision and grant a hearing
2 on a showing of good cause, as defined in the statute.

3 This Decision shall become effective on October 30, 2015

4 It is so ORDERED October 14, 2015

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9 TAMARA COLSON
Assistant General Counsel
Department of Consumer Affairs

10 71047425.DOC
DOJ Matter ID:SD2015700251

11 Attachment:
12 Exhibit A: Accusation

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Exhibit A

Accusation

1 KAMALA D. HARRIS
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 ADRIAN R. CONTRERAS
Deputy Attorney General
4 State Bar No. 267200
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2634
7 Facsimile: (619) 645-2061
Attorneys for Complainant

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

11
12 In the Matter of the Accusation Against:
13 **YUSEF AZIZI, OWNER, DOING**
BUSINESS AS ECONO LUBE 4047

Case No. 77/15-38

STATEMENT TO RESPONDENT

14 **YUSEF AZIZI, OWNER, DOING**
15 **BUSINESS AS ECONO LUBE MEINEKE**

[Gov. Code §§ 11504, 11505(b)]

16 **YUSEF AZIZI, OWNER, DOING**
17 **BUSINESS AS ECONO LUBE N TUNE**
MEINEKE

18 Respondent.

19
20 **TO RESPONDENT:**

21 Enclosed is a copy of the Accusation that has been filed with the Director of Consumer
22 Affairs, Bureau of Automotive Repair (Bureau), and which is hereby served on you.

23 Unless a written request for a hearing signed by you or on your behalf is delivered or
24 mailed to the Bureau, represented by Deputy Attorney General Adrian R. Contreras, within
25 fifteen (15) days after a copy of the Accusation was personally served on you or mailed to you,
26 you will be deemed to have waived your right to a hearing in this matter and the Bureau may
27 proceed upon the Accusation without a hearing and may take action thereon as provided by law.
28

1 The request for hearing may be made by delivering or mailing one of the enclosed forms
2 entitled "Notice of Defense," or by delivering or mailing a Notice of Defense as provided in
3 section 11506 of the Government Code, to

4 **Adrian R. Contreras**
5 **Deputy Attorney General**
6 **110 West "A" Street, Suite 1100**
7 **San Diego, California 92101**

8 **P.O. Box 85266**
9 **San Diego, California 92186-5266**

10 You may, but need not, be represented by counsel at any or all stages of these proceedings.

11 The enclosed Notice of Defense, if signed and filed with the Bureau, shall be deemed a
12 specific denial of all parts of the Accusation, but you will not be permitted to raise any objection
13 to the form of the Accusation unless you file a further Notice of Defense as provided in section
14 11506 of the Government Code within fifteen (15) days after service of the Accusation on you.

15 If you file any Notice of Defense within the time permitted, a hearing will be held on the
16 charges made in the Accusation.

17 The hearing may be postponed for good cause. If you have good cause, you are obliged to
18 notify the Office of Administrative Hearings, 1350 Front Street, Suite 3005, San Diego, CA
19 92101, within ten (10) working days after you discover the good cause. Failure to notify the
20 Office of Administrative Hearings within ten (10) days will deprive you of a postponement.

21 Copies of sections 11507.5, 11507.6, and 11507.7 of the Government Code are enclosed.

22 If you desire the names and addresses of witnesses or an opportunity to inspect and copy
23 the items mentioned in section 11507.6 of the Government Code in the possession, custody or
24 control of the Bureau you may send a Request for Discovery to the above designated Deputy
25 Attorney General.

26 **NOTICE REGARDING STIPULATED SETTLEMENTS**

27 It may be possible to avoid the time, expense and uncertainties involved in an
28 administrative hearing by disposing of this matter through a stipulated settlement. A stipulated
settlement is a binding written agreement between you and the government regarding the matters

1 charged and the discipline to be imposed. Such a stipulation would have to be approved by the
2 Director of Consumer Affairs, Bureau of Automotive Repair but, once approved, it would be
3 incorporated into a final order.

4 Any stipulation must be consistent with the Bureau's established disciplinary guidelines;
5 however, all matters in mitigation or aggravation will be considered. A copy of the Bureau's
6 Disciplinary Guidelines will be provided to you on your written request to the state agency
7 bringing this action.

8 If you are interested in pursuing this alternative to a formal administrative hearing, or if you
9 have any questions, you or your attorney should contact Deputy Attorney General Adrian R.
10 Contreras at the earliest opportunity.

11 Dated: February 23, 2015

KAMALA D. HARRIS
Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General



ADRIAN R. CONTRERAS
Deputy Attorney General
Attorneys for Complainant

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1 KAMALA D. HARRIS
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 ADRIAN R. CONTRERAS
Deputy Attorney General
4 State Bar No. 267200
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2634
7 Facsimile: (619) 645-2061
E-mail: Adrian.Contreras@doj.ca.gov
8 *Attorneys for Complainant*

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

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

Case No. 77/15-38

ACCUSATION

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.
ARD 274514

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

6 Automotive Repair Dealer Registration No.
ARD 261342

7
8 Respondent.

9 Complainant alleges:

10 **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 replace 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	
Total Fraudulent Charges:	\$718.84	

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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 know, 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.

27
28

1 KAMALA D. HARRIS
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 ADRIAN R. CONTRERAS
Deputy Attorney General
4 State Bar No. 267200
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2634
7 Facsimile: (619) 645-2061
Attorneys for Complainant

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:
YUSEF AZIZI, OWNER, DOING BUSINESS
13 AS ECONO LUBE 4047
14 YUSEF AZIZI, OWNER, DOING BUSINESS
15 AS ECONO LUBE MEINEKE
16 YUSEF AZIZI, OWNER, DOING BUSINESS
17 AS ECONO LUBE N TUNE MEINEKE
18 Respondent.

Case No. 77/15-38
REQUEST FOR DISCOVERY

19 **TO RESPONDENT:**

20 Under section 11507.6 of the Government Code of the State of California, parties to an
21 administrative hearing, including the Complainant, are entitled to certain information concerning
22 the opposing party's case. A copy of the provisions of section 11507.6 of the Government Code
23 concerning such rights is included among the papers served.

24 **PURSUANT TO SECTION 11507.6 OF THE GOVERNMENT CODE, YOU ARE**
25 **HEREBY REQUESTED TO:**

- 26 1. Provide the names and addresses of witnesses to the extent known to the Respondent,
27 including, but not limited to, those intended to be called to testify at the hearing, and
28

1 2. Provide an opportunity for the Complainant to inspect and make a copy of any of the
2 following in the possession or custody or under control of the Respondent:

3 a. A statement of a person, other than the Respondent, named in the
4 initial administrative pleading, or in any additional pleading, when it is claimed that
5 the act or omission of the Respondent as to this person is the basis for the
6 administrative proceeding;

7 b. A statement pertaining to the subject matter of the proceeding made
8 by any party to another party or persons;

9 c. Statements of witnesses then proposed to be called by the
10 Respondent and of other persons having personal knowledge of the acts, omissions or
11 events which are the basis for the proceeding, not included in (a) or (b) above;

12 d. All writings, including but not limited to reports of mental, physical
13 and blood examinations and things which the Respondent now proposes to offer in
14 evidence;

15 e. Any other writing or thing which is relevant and which would be
16 admissible in evidence, including but not limited to, any patient or hospital records
17 pertaining to the persons named in the pleading;

18 f. Investigative reports made by or on behalf of the Respondent
19 pertaining to the subject matter of the proceeding, to the extent that these reports (1)
20 contain the names and addresses of witnesses or of persons having personal
21 knowledge of the acts, omissions or events which are the basis for the proceeding, or
22 (2) reflect matters perceived by the investigator in the course of his or her
23 investigation, or (3) contain or include by attachment any statement or writing
24 described in (a) to (e), inclusive, or summary thereof.

25
26 For the purpose of this Request for Discovery, "statements" include written statements by
27 the person, signed, or otherwise authenticated by him or her, stenographic, mechanical, electrical
28

1 or other recordings, or transcripts thereof, of oral statements by the person, and written reports or
2 summaries of these oral statements.

3 YOU ARE HEREBY FURTHER NOTIFIED that nothing in this Request for Discovery
4 should be deemed to authorize the inspection or copying of any writing or thing which is
5 privileged from disclosure by law or otherwise made confidential or protected as attorney's work
6 product.

7 Your response to this Request for Discovery should be directed to the undersigned attorney
8 for the Complainant at the address on the first page of this Request for Discovery within 30 days
9 after service of the Accusation.

10 Failure without substantial justification to comply with this Request for Discovery may
11 subject the Respondent to sanctions pursuant to sections 11507.7 and 11455.10 to 11455.30 of the
12 Government Code.

13 Dated: February 23, 2015

KAMALA D. HARRIS
Attorney General of California
GRÉGOR Y J. SALUTE
Supervising Deputy Attorney General

16 
17
18 ADRIAN R. CONTRERAS
Deputy Attorney General
Attorneys for Complainant

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