

1 KAMALA D. HARRIS
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 KAREN R. DENVIR
Deputy Attorney General
4 State Bar No. 197268
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5333
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**

11 In the Matter of the Accusation Against:

Case No. 79/12-63

12 **SAM'S COMPLETE AUTO REPAIR AND SMOG, DBA**
13 **SAM'S COMPLETE AUTO REPAIR & SMOG**

13 718 S. 9th Street
Modesto, CA 95351

14 Mailing Address:

14 2025 Waterfall Court
15 Modesto, CA 95351

15 **AMARJIT SINGH, PRESIDENT**

16 **Automotive Repair Dealer Registration No. ARD 227163**

16 **Smog Check Station License No. RC 227163**

17 **Lamp Station License No. LS 227163, Class A**

17 **Brake Station License No. BS 227163, Class C**

18 **AMARJIT SINGH**

19 2025 Waterfall Court

19 Modesto, CA 95351

20 **Advanced Emission Specialist Technician License**
20 **No. EA 030749**

21 **Brake Adjuster License No. BA 030749, Class C**

21 **Lamp Adjuster License No. LA 030749, Class A**

22 **KEVIN S. PARMAN**

23 3404 Bridlepath Lane

23 Modesto, CA 95356

24 **Advanced Emission Specialist Technician License**
24 **No. EA 154653**

25 **Brake Adjuster License No. BA 154653, Class C**

25 **Lamp Adjuster License No. LA 154653, Class A**

26
27 Respondents.
28

ACCUSATION

SMOG CHECK

1 Complainant alleges:

2 **PARTIES**

3 1. John Wallauch (“Complainant”) brings this Accusation solely in his official capacity
4 as the Chief of the Bureau of Automotive Repair (“Bureau”), Department of Consumer Affairs.

5 **Automotive Repair Dealer Registration**

6 2. On a date uncertain in 2003, the Bureau issued Automotive Repair Dealer
7 Registration Number ARD 227163 (“registration”) to Sam’s Complete Auto Repair and Smog,
8 (“Respondent Sam’s”), doing business as Sam’s Complete Auto Repair & Smog with Amarjit
9 Singh as President. The registration was in full force and effect at all times relevant to the
10 charges brought herein and will expire on April 30, 2012, unless renewed.

11 **Smog Check Station License**

12 3. On or about November 3, 2003, the Bureau issued Smog Check Station License
13 Number RC 227163 (“station license”) to Respondent Sam’s. The station license was in full
14 force and effect at all times relevant to the charges brought herein and will expire on April 30,
15 2012, unless renewed.

16 **Lamp Station License**

17 4. On or about November 4, 2003, the Bureau issued Lamp Station License Number LS
18 227163, Class A (“lamp station license”) to Respondent Sam’s. The lamp station license was in
19 full force and effect at all times relevant to the charges brought herein and will expire on April 30,
20 2012, unless renewed.

21 **Brake Station License**

22 5. On or about November 4, 2003, the Bureau issued Brake Station License Number BS
23 227163, Class C (“brake station license”) to Respondent Sam’s. The brake station license was in
24 full force and effect at all times relevant to the charges brought herein and will expire on April 30,
25 2012, unless renewed.

26 **Advanced Emission Specialist Technician License**

27 6. On a date uncertain in 1997, the Bureau issued Advanced Emission Specialist
28 Technician License Number EA 030749 (“technician license”) to Amarjit Singh (“Respondent

1 Singh"). The technician license was in full force and effect at all times relevant to the charges
2 brought herein and will expire on July 31, 2013, unless renewed.

3 **Brake Adjuster License**

4 7. On a date uncertain in 1993, the Bureau issued Brake Adjuster License Number BA
5 030749, Class C ("brake adjuster license") to Respondent Singh. The brake adjuster license was
6 in full force and effect at all times relevant to the charges brought herein and will expire on July
7 31, 2013, unless renewed.

8 **Lamp Adjuster License**

9 8. On a date uncertain in 1997, the Bureau issued Lamp Adjuster License Number LA
10 030749, Class A ("lamp adjuster license") to Respondent Singh. The lamp adjuster license was in
11 full force and effect at all times relevant to the charges brought herein and will expire on July 31,
12 2013, unless renewed.

13 **Advanced Emission Specialist Technician License**

14 9. On or about August 11, 2008, the Bureau issued Advanced Emission Specialist
15 Technician License Number EA 154653 ("technician license") to Kevin S. Parman ("Respondent
16 Parman"). The technician license was in full force and effect at all times relevant to the charges
17 brought herein and will expire on November 30, 2012, unless renewed.

18 **Brake Adjuster License**

19 10. On a date uncertain in 2007, the Bureau issued Brake Adjuster License Number BA
20 154653, Class C ("brake adjuster license") to Respondent Parman. The brake adjuster license
21 was in full force and effect at all times relevant to the charges brought herein and will expire on
22 November 30, 2015, unless renewed.

23 **Lamp Adjuster License**

24 11. On a date uncertain in 2007, the Bureau issued Lamp Adjuster License Number LA
25 154653, Class A ("lamp adjuster license") to Respondent Parman. The lamp adjuster license was
26 in full force and effect at all times relevant to the charges brought herein and will expire on
27 November 30, 2015, unless renewed.

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1 obtained at some time after it is determined that the estimated price is insufficient and
2 before the work not estimated is done or the parts not estimated are supplied. Written
3 consent or authorization for an increase in the original estimated price may be
4 provided by electronic mail or facsimile transmission from the customer. The bureau
5 may specify in regulation the procedures to be followed by an automotive repair
6 dealer if an authorization or consent for an increase in the original estimated price is
7 provided by electronic mail or facsimile transmission. If that consent is oral, the
8 dealer shall make a notation on the work order of the date, time, name of person
9 authorizing the additional repairs and telephone number called, if any, together with a
10 specification of the additional parts and labor and the total additional cost, and shall
11 do either of the following:

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

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

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

19 _____
20 (signature or initials)"

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

25 16. Code section 477 provides, in pertinent part, that "Board" includes "bureau,"
26 "commission," "committee," "department," "division," "examining committee," "program," and
27 "agency." "License" includes certificate, registration or other means to engage in a business or
28 profession regulated by the Code.

17 17. Code section 9889.1 provides, in pertinent part, that the Director may suspend or
18 revoke any license issued under Articles 5 and 6 (commencing with section 9887.1) of the
19 Automotive Repair Act.

20 18. Code section 9889.7 provides, in pertinent part, that the expiration or suspension of a
21 license by operation of law or by order or decision of the Director or a court of law, or the
22 voluntary surrender of a license shall not deprive the Director of jurisdiction to proceed with any
23 disciplinary proceedings.

1 19. Code section 9889.3 states, in pertinent part:

2 The director may suspend, revoke, or take other disciplinary action
3 against a license as provided in this article [Article 7 (commencing with section
4 9889.1) of the Automotive Repair Act] if the licensee or any partner, officer, or
5 director thereof:

6 (a) Violates any section of the Business and Professions Code which
7 relates to his or her licensed activities.

8 (c) Violates any of the regulations promulgated by the director pursuant
9 to this chapter.

10 (h) Violates or attempts to violate the provisions of this chapter relating
11 to the particular activity for which he or she is licensed . . .

12 20. Code section 9887.1 states, in pertinent part:

13 The director shall have the authority to issue licenses for official lamp
14 and brake adjusting stations and shall license lamp and brake adjusters. The licenses
15 shall be issued in accordance with this chapter and regulations adopted by the director
16 pursuant thereto . . . Licenses may be renewed upon application and payment of the
17 renewal fees if the application for renewal is made within the 30-day period prior to
18 the date of expiration. Persons whose licenses have expired shall immediately cease
19 the activity requiring a license . . .

20 21. Code section 9888.3 states:

21 No person shall operate an "official" lamp or brake adjusting station
22 unless a license therefor has been issued by the director. No person shall issue, or
23 cause or permit to be issued, any certificate purporting to be an official lamp
24 adjustment certificate unless he or she is a licensed lamp adjuster or an official brake
25 adjustment certificate unless he or she is a licensed brake adjuster.

26 22. Code section 9889.9 states that "[w]hen any license has been revoked or suspended
27 following a hearing under the provisions of this article [Article 7 (commencing with section
28 9889.1) of the Automotive Repair Act], any additional license issued under Articles 5 and 6 of
this chapter in the name of the licensee may be likewise revoked or suspended by the director."

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

 24. Section 44072.2 of the Health and Safety Code states, in pertinent part:

 The director may suspend, revoke, or take other disciplinary action
against a license as provided in this article if the licensee, or any partner, officer, or
director thereof, does any of the following:

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1 (a) Violates any section of this chapter [the Motor Vehicle Inspection
2 Program (Health and Saf. Code, § 44000, et seq.)] and the regulations adopted
3 pursuant to it, which related to the licensed activities.

4 (c) Violates any of the regulations adopted by the director pursuant to
5 this chapter.

6 (d) Commits any act involving dishonesty, fraud, or deceit whereby
7 another is injured.

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

12 26. Section 44072.8 of the Health and Safety Code states:

13 When a license has been revoked or suspended following a hearing under
14 this article, any additional license issued under this chapter in the name of the
15 licensee may be likewise revoked or suspended by the director.

16 COST RECOVERY

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

21 **UNDERCOVER OPERATION – MARCH 23, 2011**

22 28. On or about March 23, 2011, a Bureau undercover operator drove a Bureau-
23 documented 2001 Ford Focus to Respondent Sam's facility and requested brake, lamp, and smog
24 inspections. The vehicle could not pass the functional portion of a smog inspection because the
25 vehicle's malfunction indicator light ("MIL") was inoperative. The vehicle was also unable to
26 pass the brake inspection because the right and left rear brake drums were oversized. Further, the
27 vehicle could not pass the lamp inspection because the headlights were out of adjustment. The
28 operator signed a work order/estimate but was not provided with a copy of that document prior to
the inspections.

29 29. Respondent Singh performed the brake and lamp inspections and issued Lamp
Certificate No. LC1216611, certifying that the lamps were in satisfactory condition and Brake

1 Certificate No. BC1234259, certifying that the brake system was in satisfactory condition. In
2 fact, the headlights were out of adjustment and the right and left rear brake drums were oversized.

3 30. Respondent Parman performed the smog inspection and issued electronic Certificate
4 of Compliance No. OA412576 for that vehicle, certifying that the vehicle was in compliance with
5 applicable laws and regulations; however, the vehicle's MIL was inoperative. The operator paid
6 \$110 for the inspections and received a copy of Invoice No. 14162 and the Vehicle Inspection
7 Report ("VIR").

8 **FIRST CAUSE FOR DISCIPLINE**

9 **(Misleading Statements)**

10 31. Respondent Sam's has subjected its registration to discipline under Code section
11 9884.7, subdivision (a)(1), in that on or about March 23, 2011, regarding the 2001 Ford Focus, it
12 made statements which it knew or which by exercise of reasonable care it should have known
13 were untrue or misleading, as follows:

14 a. Respondent Sam's issued electronic Certificate of Compliance No. OA412576,
15 certifying that the vehicle was in compliance with applicable laws and regulations when, in fact,
16 the vehicle's MIL was inoperable.

17 b. Respondent Sam's issued Brake Certificate No. BC1234259, certifying that the brake
18 system on that vehicle was in satisfactory condition when, in fact, the right and left rear brake
19 drums were oversized.

20 c. Respondent Sam's issued Lamp Certificate No. LC1216611, certifying that the lamp
21 system was in satisfactory condition when, in fact, the headlights were out of adjustment.

22 **SECOND CAUSE FOR DISCIPLINE**

23 **(Failed to Provide a Copy of a Signed Document)**

24 32. Respondent Sam's has subjected its registration to discipline under Code section
25 9884.7, subdivision (a)(3), in that on or about March 23, 2011, Respondent Sam's failed to
26 provide the operator with a copy of the work order as soon as she signed the document.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Fraud)**

3 33. Respondent Sam's has subjected its registration to discipline under Code section
4 9884.7, subdivision (a)(4), in that on or about March 23, 2011, regarding the 2001 Ford Focus, it
5 received \$110 for certificates of compliance that should not have been issued, constituting acts
6 involving fraud, as follows:

7 a. Respondent Sam's issued electronic Certificate No. OA412576, without performing a
8 bona fide inspection of the emission control devices and systems on that vehicle, thereby
9 depriving the People of the State of California of the protection afforded by the Motor Vehicle
10 Inspection Program.

11 b. Respondent Sam's issued Brake Certificate No. BC1234259, certifying that the brake
12 system on that vehicle was in satisfactory condition when, in fact, the right and left rear brake
13 drums were oversized.

14 c. Respondent Sam's issued Lamp Certificate No. LC1216611, certifying that the lamp
15 system was in satisfactory condition when, in fact, the headlights were out of adjustment.

16 **FOURTH CAUSE FOR DISCIPLINE**

17 **(Failure to Provide a Written Estimate)**

18 34. Respondent Sam's has subjected its registration to discipline under Code section
19 9884.7, subdivision (a)(6), in that on or about March 23, 2011, it failed to comply with section
20 9884.9, subdivision (a) of that Code by failing to provide the operator with a written estimated
21 price for a specific job prior to commencement of the inspections.

22 **FIFTH CAUSE FOR DISCIPLINE**

23 **(Violation of the Motor Vehicle Inspection Program)**

24 35. Respondent Sam's has subjected its station license to discipline under Health and
25 Safety Code section 44072.2, subdivision (a), in that on or about March 23, 2011, regarding the
26 2001 Ford Focus, it violated sections of that Code, as follows:

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1 a. **Section 44012, subdivision (a):** Respondent Sam's failed to determine that all
2 emission control devices and systems required by law were installed and functioning correctly in
3 accordance with test procedures.

4 b. **Section 44012, subdivision (f):** Respondent Sam's failed to perform emission
5 control tests on that vehicle in accordance with procedures prescribed by the department.

6 c. **Section 44015, subdivision (b):** Respondent Sam's issued electronic Certificate of
7 Compliance No. OA412576 without properly testing and inspecting the vehicle to determine if it
8 was in compliance with section 44012 of that Code.

9 **SIXTH CAUSE FOR DISCIPLINE**

10 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

11 36. Respondent Sam's has subjected its station license to discipline under Health and
12 Safety Code section 44072.2, subdivision (c), in that on or about March 23, 2011, regarding the
13 2001 Ford Focus, it violated sections of the California Code of Regulations, title 16, as follows:

14 a. **Section 3340.35, subdivision (c):** Respondent Sam's issued electronic Certificate of
15 Compliance No. OA412576 even though that vehicle had not been inspected in accordance with
16 section 3340.42 of that Code.

17 b. **Section 3340.42:** Respondent Sam's failed to conduct the required smog tests and
18 inspections on that vehicle in accordance with the Bureau's specifications.

19 **SEVENTH CAUSE FOR DISCIPLINE**

20 **(Dishonesty, Fraud or Deceit)**

21 37. Respondent Sam's has subjected its station license to discipline under Health and
22 Safety Code section 44072.2, subdivision (d), in that on or about March 23, 2011, regarding the
23 2001 Ford Focus, it committed acts involving dishonesty, fraud or deceit whereby another was
24 injured by issuing electronic Certificate of Compliance No. OA412576 for that vehicle without
25 performing a bona fide inspection of the emission control devices and systems on the vehicle,
26 thereby depriving the People of the State of California of the protection afforded by the Motor
27 Vehicle Inspection Program.

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1 **EIGHTH CAUSE FOR DISCIPLINE**

2 **(Violations of the Motor Vehicle Inspection Program)**

3 38. Respondent Parman has subjected his technician license to discipline under Health
4 and Safety Code section 44072.2, subdivision (a), in that on or about March 23, 2011, regarding
5 the 2001 Ford Focus, he violated sections of that Code, as follows:

6 a. **Section 44012, subdivision (a):** Respondent Parman failed to determine that all
7 emission control devices and systems required by law were installed and functioning correctly in
8 accordance with test procedures.

9 b. **Section 44012, subdivision (f):** Respondent Parman failed to perform emission
10 control tests on that vehicle in accordance with procedures prescribed by the department.

11 c. **Section 44032:** Respondent Parman failed to perform tests of the emission control
12 devices and systems on that vehicle in accordance with section 44012 of that Code.

13 **NINTH CAUSE FOR DISCIPLINE**

14 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

15 39. Respondent Parman has subjected his technician license to discipline under Health
16 and Safety Code section 44072.2, subdivision (c), in that on or about March 23, 2011, regarding
17 the 2001 Ford Focus, he violated sections of the California Code of Regulations, title 16, as
18 follows:

19 a. **Section 3340.30, subdivision (a):** Respondent Parman failed to inspect and test that
20 vehicle in accordance with Health and Safety Code section 44012.

21 b. **Section 3340.41, subdivision (c):** Respondent Parman entered false information into
22 the Emission Inspection System for electronic Certificate of Compliance No. OA412576 by
23 entering "Pass" for the functional inspection when, in fact, the vehicle could not pass the
24 inspection because the vehicle's MIL was inoperable.

25 c. **Section 3340.42:** Respondent Parman failed to conduct the required smog tests and
26 inspections on that vehicle in accordance with the Bureau's specifications.

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1 **TENTH CAUSE FOR DISCIPLINE**

2 **(Dishonesty, Fraud or Deceit)**

3 40. Respondent Parman has subjected his technician license to discipline under Health
4 and Safety Code section 44072.2, subdivision (d), in that on or about March 23, 2011, regarding
5 the 2001 Ford Focus, he committed acts involving dishonesty, fraud or deceit whereby another
6 was injured by issuing electronic Certificate of Compliance No. OA412576 without performing a
7 bona fide inspection of the emission control devices and systems on that vehicle, thereby
8 depriving the People of the State of California of the protection afforded by the Motor Vehicle
9 Inspection Program.

10 **ELEVENTH CAUSE FOR DISCIPLINE**

11 **(Violations of Regulations)**

12 41. Respondent Sam's registration is subject to discipline under Code section 9884.7,
13 subdivision (a)(6), in that Respondent Sam's failed to comply with provisions of California Code
14 of Regulations, title 16, in the following material respects:

15 a. **Section 3305, subdivision (a):** Respondent Sam's failed to perform the inspection of
16 the brake system and inspection and adjustment of the lighting system on the Bureau's 2001 Ford
17 Focus in accordance with the specifications, instructions, and directives issued by the Bureau and
18 the vehicle manufacturer.

19 b. **Section 3316, subdivision (d)(2):** Respondent Sam's issued Lamp Certificate No.
20 LC1216611 as to the Bureau's 2001 Ford Focus when the headlights were out of adjustment and
21 not in compliance with Bureau regulations.

22 c. **Section 3321, subdivision (c)(2):** Respondent Sam's issued Brake Certificate No.
23 BC1234259 as to the Bureau's 2001 Ford Focus when the brake system on the vehicle had not
24 been completely tested or inspected.

25 **TWELFTH CAUSE FOR DISCIPLINE**

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

27 42. Respondent Sam's brake and lamp station licenses are subject to discipline under
28 Code section 9889.3, subdivision (c), in that Respondent Sam's failed to comply with the

1 provisions of California Code of Regulations, title 16, sections 3305, subdivision (a), 3316,
2 subdivision (d)(2), and 3321, subdivision (c)(2), as set forth in paragraph 41, above.

3 **THIRTEENTH CAUSE FOR DISCIPLINE**

4 **(Dishonesty, Fraud, or Deceit)**

5 43. Respondent Sam's brake and lamp station licenses are subject to discipline under
6 Code section 9889.3, subdivision (d), in that Respondent Sam's committed acts involving
7 dishonesty, fraud, or deceit whereby another was injured, as set forth in paragraph 40, above.

8 **FOURTEENTH CAUSE FOR DISCIPLINE**

9 **(Violations of Regulations)**

10 44. Respondent Singh's brake and lamp adjuster licenses are subject to discipline under
11 Code section 9889.3, subdivision (c), in that he failed to comply with the provisions of California
12 Code of Regulations, title 16, sections 3305, subdivision (a), 3316, subdivision (d)(2), and 3321,
13 subdivision (c)(2), as set forth in paragraph 41, above.

14 **UNDERCOVER OPERATION – APRIL 20, 2011**

15 45. On or about April 20, 2011, a Bureau undercover operator drove a Bureau-
16 documented 1993 Toyota pickup to Respondent Sam's facility and requested brake, lamp, and
17 smog inspections. The vehicle could not pass the functional portion of a smog inspection because
18 the vehicle's ignition timing was adjusted beyond the manufacturer's specifications. The vehicle
19 was also unable to pass the brake inspection because the right and left rear brake drums were
20 oversized. Further, the vehicle could not pass the lamp inspection because the headlights were
21 out of adjustment. The operator signed a work order/estimate but was not provided with a copy
22 of that document prior to the inspections.

23 46. Respondent Singh performed the brake and lamp inspections and informed the
24 operator that the vehicle did not pass the lamp inspection because the backup lights were not
25 working. No certificate was issued. Respondent Singh issued Brake Certificate No. BC1234352,
26 certifying that the brake system was in satisfactory condition and that the vehicle had been road-
27 tested. In fact, the rear right and left brake drums were oversized and the vehicle had not been
28 road tested.

1 c. On or about April 27, 2011, Respondent Sam's issued Lamp Certificate No.
2 LC1216485, certifying that the lamp system was in satisfactory condition when, in fact, the
3 headlights were out of adjustment.

4 **SIXTEENTH CAUSE FOR DISCIPLINE**

5 **(Failed to Provide a Copy of a Signed Document)**

6 50. Respondent Sam's has subjected its registration to discipline under Code section
7 9884.7, subdivision (a)(3), in that on or about April 20, 2011, Respondent failed to provide the
8 operator with a copy of the work order as soon as he signed the document.

9 **SEVENTEENTH CAUSE FOR DISCIPLINE**

10 **(Fraud)**

11 51. Respondent Sam's has subjected its registration to discipline under Code section
12 9884.7, subdivision (a)(4), in that, regarding the 1993 Toyota pickup, it received \$100 for
13 certificates of compliance that should not have been issued, constituting acts involving fraud, as
14 follows:

15 a. On or about April 20, 2011, Respondent Sam's issued electronic Certificate No.
16 OC515748, without performing a bona fide inspection of the emission control devices and
17 systems on that vehicle, thereby depriving the People of the State of California of the protection
18 afforded by the Motor Vehicle Inspection Program.

19 b. On or about April 20, 2011, Respondent Sam's issued Brake Certificate No.
20 BC1234352, certifying that the brake system on that vehicle was in satisfactory condition and that
21 the vehicle had been road tested when, in fact, the right and left rear brake drums were oversized
22 and the vehicle had not been road-tested.

23 c. On or about April 27, 2011, Respondent Sam's issued Lamp Certificate No.
24 LC1216485, certifying that the lamp system was in satisfactory condition when, in fact, the
25 headlights were out of adjustment.

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1 **EIGHTEENTH CAUSE FOR DISCIPLINE**

2 **(Failure to Provide a Written Estimate)**

3 52. Respondent Sam's has subjected its registration to discipline under Code section
4 9884.7, subdivision (a)(6), in that it failed to comply with section 9884.9, subdivision (a) of that
5 Code, as follows:

6 a. On or about April 20, 2011, Respondent failed to provide the operator with a written
7 estimated price for a specific job prior to commencement the inspections.

8 b. On or about April 27, 2011, Respondent failed to provide the operator with a written
9 estimated price for a specific job prior to commencement of the lamp inspection.

10 **NINETEENTH CAUSE FOR DISCIPLINE**

11 **(Violation of the Motor Vehicle Inspection Program)**

12 53. Respondent Sam's has subjected its station license to discipline under Health and
13 Safety Code section 44072.2, subdivision (a), in that on or about April 20, 2011, regarding the
14 1993 Toyota pickup, it violated sections of that Code, as follows:

15 a. **Section 44012, subdivision (a):** Respondent Sam's failed to determine that all
16 emission control devices and systems required by law were installed and functioning correctly in
17 accordance with test procedures.

18 b. **Section 44012, subdivision (f):** Respondent Sam's failed to perform emission
19 control tests on that vehicle in accordance with procedures prescribed by the department.

20 c. **Section 44015, subdivision (b):** Respondent Sam's issued electronic Certificate of
21 Compliance No. OC515748 without properly testing and inspecting the vehicle to determine if it
22 was in compliance with section 44012 of that Code.

23 **TWENTIETH CAUSE FOR DISCIPLINE**

24 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

25 54. Respondent Sam's has subjected its station license to discipline under Health and
26 Safety Code section 44072.2, subdivision (c), in that on or about April 20, 2011, regarding the
27 1993 Toyota pickup, it violated sections of the California Code of Regulations, title 16, as
28 follows:

1 a. **Section 3340.35, subdivision (c):** Respondent Sam's issued electronic Certificate of
2 Compliance No. OC515748 even though that vehicle had not been inspected in accordance with
3 section 3340.42 of that Code.

4 b. **Section 3340.42:** Respondent Sam's failed to conduct the required smog tests and
5 inspections on that vehicle in accordance with the Bureau's specifications.

6 **TWENTY-FIRST CAUSE FOR DISCIPLINE**

7 **(Dishonesty, Fraud or Deceit)**

8 55. Respondent Sam's has subjected its station license to discipline under Health and
9 Safety Code section 44072.2, subdivision (d), in that on or about April 20, 2011, regarding the
10 1993 Toyota pickup, it committed acts involving dishonesty, fraud or deceit thereby another was
11 injured by issuing electronic Certificate of Compliance No. OC515748 for that vehicle without
12 performing a bona fide inspection of the emission control devices and systems on the vehicle,
13 thereby depriving the People of the State of California of the protection afforded by the Motor
14 Vehicle Inspection Program.

15 **TWENTY-SECOND CAUSE FOR DISCIPLINE**

16 **(Violations of the Motor Vehicle Inspection Program)**

17 56. Respondent Singh has subjected his technician license to discipline under Health and
18 Safety Code section 44072.2, subdivision (a), in that on or about April 20, 2011, regarding the
19 1993 Toyota pickup, he violated sections of that Code, as follows:

20 a. **Section 44012, subdivision (a):** Respondent Singh failed to determine that all
21 emission control devices and systems required by law were installed and functioning correctly in
22 accordance with test procedures.

23 b. **Section 44012, subdivision (f):** Respondent Singh failed to perform emission control
24 tests on that vehicle in accordance with procedures prescribed by the department.

25 c. **Section 44032:** Respondent Singh failed to perform tests of the emission control
26 devices and systems on that vehicle in accordance with section 44012 of that Code.

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1 **TWENTY-THIRD CAUSE FOR DISCIPLINE**

2 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

3 57. Respondent Singh has subjected his technician license to discipline under Health and
4 Safety Code section 44072.2, subdivision (c), in that on or about April 20, 2011, regarding the
5 1993 Toyota pickup, he violated sections of the California Code of Regulations, title 16, as
6 follows:

7 a. **Section 3340.30, subdivision (a):** Respondent Singh failed to inspect and test that
8 vehicle in accordance with Health and Safety Code section 44012.

9 b. **Section 3340.42:** Respondent Singh failed to conduct the required smog tests and
10 inspections on that vehicle in accordance with the Bureau's specifications.

11 **TWENTY-FOURTH CAUSE FOR DISCIPLINE**

12 **(Dishonesty, Fraud or Deceit)**

13 58. Respondent Singh has subjected his technician license to discipline under Health and
14 Safety Code section 44072.2, subdivision (d), in that on or about April 20, 2011, regarding the
15 1993 Toyota pickup, he committed acts involving dishonesty, fraud or deceit whereby another
16 was injured by issuing electronic Certificate of Compliance No. OC515748 without performing a
17 bona fide inspection of the emission control devices and systems on that vehicle, thereby
18 depriving the People of the State of California of the protection afforded by the Motor Vehicle
19 Inspection Program.

20 **TWENTY-FIFTH CAUSE FOR DISCIPLINE**

21 **(Violations of Regulations)**

22 59. Respondent Sam's registration is subject to discipline under Code section 9884.7,
23 subdivision (a)(6), in that Respondent Sam's failed to comply with provisions of California Code
24 of Regulations, title 16, in the following material respects:

25 a. **Section 3305, subdivision (a):** Respondent Sam's failed to perform the inspection of
26 the brake system and inspection and adjustment of the lighting system on the Bureau's 1993
27 Toyota pickup in accordance with the specifications, instructions, and directives issued by the
28 Bureau and the vehicle manufacturer.

1 the right front brake rotor and left rear brake rotor needed to be replaced. Further, the vehicle
2 could not pass the lamp inspection because the headlights were out of adjustment. The operator
3 signed a work order/estimate but was not provided with a copy of that document prior to the
4 inspections.

5 64. Respondent Parman performed the brake and lamp inspections and issued Lamp
6 Certificate No. LC1276022, certifying that the lamps were in satisfactory condition. In fact, the
7 headlights were out of adjustment. The operator was informed by an employee that the vehicle
8 did not pass the brake inspection because the front rotors needed to be replaced; however, the
9 operator declined the repair.

10 65. Respondent Singh performed the smog inspection and issued electronic Certificate of
11 Compliance No. OE460704 for that vehicle, certifying that the vehicle was in compliance with
12 applicable laws and regulations; however, the vehicle's MIL was inoperative. The operator paid
13 \$100 for the inspections and received a copy of Invoice No. 16125 and the VIR.

14 **TWENTY-NINTH CAUSE FOR DISCIPLINE**

15 **(Misleading Statements)**

16 66. Respondent Sam's has subjected its registration to discipline under Code section
17 9884.7, subdivision (a)(1), in that on or about July 7, 2011, regarding the 2002 Ford Mustang, it
18 made statements which it knew or which by exercise of reasonable care it should have known
19 were untrue or misleading, as follows:

20 a. Respondent Sam's issued electronic Certificate of Compliance No. OE460704,
21 certifying that the vehicle was in compliance with applicable laws and regulations when, in fact,
22 the vehicle's MIL was inoperable.

23 b. Respondent Sam's issued Lamp Certificate No. LC1276022, certifying that the lamp
24 system was in satisfactory condition when, in fact, the headlights were out of adjustment.

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1 **THIRTIETH CAUSE FOR DISCIPLINE**

2 **(Failed to Provide a Copy of a Signed Document)**

3 67. Respondent Sam's has subjected its registration to discipline under Code section
4 9884.7, subdivision (a)(3), in that on or about July 7, 2011, Respondent failed to provide the
5 operator with a copy of the work order as soon as he signed the document.

6 **THIRTY-FIRST CAUSE FOR DISCIPLINE**

7 **(Fraud)**

8 68. Respondent Sam's has subjected its registration to discipline under Code section
9 9884.7, subdivision (a)(4), in that on or about July 7, 2011, regarding the 2002 Ford Mustang, it
10 received \$100 for certificates of compliance that should not have been issued, constituting acts
11 involving fraud, as follows:

12 a. Respondent Sam's issued electronic Certificate No. OE460704, without performing a
13 bona fide inspection of the emission control devices and systems on that vehicle, thereby
14 depriving the People of the State of California of the protection afforded by the Motor Vehicle
15 Inspection Program.

16 b. Respondent Sam's issued Lamp Certificate No. LC1276022, certifying that the lamp
17 system was in satisfactory condition when, in fact, the headlights were out of adjustment.

18 **THIRTY-SECOND CAUSE FOR DISCIPLINE**

19 **(Failure to Provide a Written Estimate)**

20 69. Respondent Sam's has subjected its registration to discipline under Code section
21 9884.7, subdivision (a)(6), in that on or about July 7, 2011, it failed to comply with section
22 9884.9, subdivision (a) of that Code by failing to provide the operator with a written estimated
23 price for a specific job prior to commencing the inspections.

24 **THIRTY-THIRD CAUSE FOR DISCIPLINE**

25 **(Violation of the Motor Vehicle Inspection Program)**

26 70. Respondent Sam's has subjected its station license to discipline under Health and
27 Safety Code section 44072.2, subdivision (a), in that on or about July 7, 2011, regarding the 2002
28 Ford Mustang, it violated sections of that Code, as follows:

1 a. **Section 44012, subdivision (a):** Respondent Sam's failed to determine that all
2 emission control devices and systems required by law were installed and functioning correctly in
3 accordance with test procedures.

4 b. **Section 44012, subdivision (f):** Respondent Sam's failed to perform emission
5 control tests on that vehicle in accordance with procedures prescribed by the department.

6 c. **Section 44015, subdivision (b):** Respondent Sam's issued electronic Certificate of
7 Compliance No. OE460704 without properly testing and inspecting the vehicle to determine if it
8 was in compliance with section 44012 of that Code.

9 **THIRTY-FOURTH CAUSE FOR DISCIPLINE**

10 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

11 71. Respondent Sam's has subjected its station license to discipline under Health and
12 Safety Code section 44072.2, subdivision (c), in that on or about July 7, 2011, regarding the 2002
13 Ford Mustang, it violated sections of the California Code of Regulations, title 16, as follows:

14 a. **Section 3340.35, subdivision (c):** Respondent Sam's issued electronic Certificate of
15 Compliance No. OE460704 even though that vehicle had not been inspected in accordance with
16 section 3340.42 of that Code.

17 b. **Section 3340.42:** Respondent Sam's failed to conduct the required smog tests and
18 inspections on that vehicle in accordance with the Bureau's specifications.

19 **THIRTY-FIFTH CAUSE FOR DISCIPLINE**

20 **(Dishonesty, Fraud or Deceit)**

21 72. Respondent Sam's has subjected its station license to discipline under Health and
22 Safety Code section 44072.2, subdivision (d), in that on or about July 7, 2011, regarding the 2002
23 Ford Mustang, it committed acts involving dishonesty, fraud or deceit thereby another was
24 injured by issuing electronic Certificate of Compliance No. OE460704 for that vehicle without
25 performing a bona fide inspection of the emission control devices and system on the vehicle,
26 thereby depriving the People of the State of California of the protection afforded by the Motor
27 Vehicle Inspection Program.

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1 **THIRTY-SIXTH CAUSE FOR DISCIPLINE**

2 **(Violations of the Motor Vehicle Inspection Program)**

3 73. Respondent Singh has subjected his technician license to discipline under Health and
4 Safety Code section 44072.2, subdivision (a), in that on or about July 7, 2011, regarding the 2002
5 Ford Mustang, he violated sections of that Code, as follows:

6 a. **Section 44012, subdivision (a):** Respondent Singh failed to determine that all
7 emission control devices and systems required by law were installed and functioning correctly in
8 accordance with test procedures.

9 b. **Section 44012, subdivision (f):** Respondent Singh failed to perform emission control
10 tests on that vehicle in accordance with procedures prescribed by the department.

11 c. **Section 44032:** Respondent Singh failed to perform tests of the emission control
12 devices and systems on that vehicle in accordance with section 44012 of that Code.

13 **THIRTY-SEVENTH CAUSE FOR DISCIPLINE**

14 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

15 74. Respondent Singh has subjected his technician license to discipline under Health and
16 Safety Code section 44072.2, subdivision (c), in that on or about July 7, 2011, regarding the 2002
17 Ford Mustang, he violated sections of the California Code of Regulations, title 16, as follows:

18 a. **Section 3340.30, subdivision (a):** Respondent Singh failed to inspect and test that
19 vehicle in accordance with Health and Safety Code section 44012.

20 b. **Section 3340.41, subdivision (c):** Respondent Singh entered false information into
21 the Emission Inspection System for electronic Certificate of Compliance No. OE460704 by
22 entering "Pass" for the functional inspection when, in fact, the vehicle could not pass the
23 inspection because the vehicle's MIL was inoperable.

24 c. **Section 3340.42:** Respondent Singh failed to conduct the required smog tests and
25 inspections on that vehicle in accordance with the Bureau's specifications.

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THIRTY-EIGHTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud or Deceit)

75. Respondent Singh has subjected his technician license to discipline under Health and Safety Code section 44072.2, subdivision (d), in that on or about July 7, 2011, regarding the 2002 Ford Mustang, he committed acts involving dishonesty, fraud or deceit whereby another was injured by issuing electronic Certificate of Compliance No. OE460704 without performing a bona fide inspection of the emission control devices and systems on that vehicle, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

THIRTY-NINTH CAUSE FOR DISCIPLINE

(Violations of Regulations)

76. Respondent Sam's registration is subject to discipline under Code section 9884.7, subdivision (a)(6), in that Respondent Sam's failed to comply with provisions of California Code of Regulations, title 16, in the following material respects:

a. **Section 3305, subdivision (a):** Respondent Sam's failed to perform the inspection of the brake system and inspection and adjustment of the lighting system on the Bureau's 2002 Ford Mustang in accordance with the specifications, instructions, and directives issued by the Bureau and the vehicle manufacturer.

b. **Section 3316, subdivision (d)(2):** Respondent Sam's issued Lamp Certificate No. LC1276022 as to the Bureau's 2002 Ford Mustang when the headlights were out of adjustment and not in compliance with Bureau regulations.

FORTIETH CAUSE FOR DISCIPLINE

(Failure to Comply with Regulations)

77. Respondent Sam's brake and lamp station licenses are subject to discipline under Code section 9889.3, subdivision (c), in that Respondent Sam's failed to comply with the provisions of California Code of Regulations, title 16, sections 3305, subdivision (a), and 3316, subdivision (d)(2), as set forth in paragraph 76, above.

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1 additional license issued under Articles 5 and 6 of Chapter 20.3 of that Code in the name of said
2 licensee may be likewise revoked or suspended by the Director.

3 84. Pursuant to Health & Safety Code section 44072.8, if Advanced Emission Specialist
4 Technician License Number EA 030749, issued to Respondent Amarjit Singh, is revoked or
5 suspended, any additional license issued under Chapter 5 of the Health & Safety Code in the
6 name of said licensee may be likewise revoked or suspended by the Director.

7 85. Pursuant to Code section 9889.9, if Brake Adjuster License Number BA 030749,
8 Class C, issued to Respondent Amarjit Singh, is revoked or suspended, any additional license
9 issued under Articles 5 and 6 of Chapter 20.3 of that Code in the name of said licensee may be
10 likewise revoked or suspended by the Director.

11 86. Pursuant to Code section 9889.9, if Lamp Adjuster License Number LA 030749,
12 Class A, issued to Respondent Amarjit Singh, is revoked or suspended, any additional license
13 issued under Articles 5 and 6 of Chapter 20.3 of that Code in the name of said licensee may be
14 likewise revoked or suspended by the Director.

15 87. Pursuant to Health & Safety Code section 44072.8, if Advanced Emission Specialist
16 Technician License Number EA 154653, issued to Respondent Kevin S. Parman, is revoked or
17 suspended, any additional license issued under Chapter 5 of the Health & Safety Code in the
18 name of said licensee may be likewise revoked or suspended by the Director.

19 88. Pursuant to Code section 9889.9, if Brake Adjuster License Number BA 154653,
20 Class C, issued to Respondent Kevin S. Parman, is revoked or suspended, any additional license
21 issued under Articles 5 and 6 of Chapter 20.3 of that Code in the name of said licensee may be
22 likewise revoked or suspended by the Director.

23 89. Pursuant to Code section 9889.9, if Lamp Adjuster License Number LA 154653,
24 Class A, issued to Respondent Kevin S. Parman, is revoked or suspended, any additional license
25 issued under Articles 5 and 6 of Chapter 20.3 of that Code in the name of said licensee may be
26 likewise revoked or suspended by the Director.

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PRAYER

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

4 1. Revoking, suspending, or placing on probation Automotive Repair Dealer
5 Registration Number ARD 227163, issued to Sam's Complete Auto Repair and Smog, doing
6 business as Sam's Auto Repair & Smog;

7 2. Revoking, suspending, or placing on probation any other automotive repair dealer
8 registration issued to Sam's Complete Auto Repair and Smog;

9 3. Revoking or suspending Smog Check Station License Number RC 227163, issued to
10 Sam's Complete Auto Repair and Smog, doing business as Sam's Complete Auto Repair &
11 Smog;

12 4. Revoking or suspending any additional license issued under Chapter 5 of the Health
13 and Safety Code in the name of Sam's Complete Auto Repair and Smog;

14 5. Revoking or suspending Lamp Station License Number LS 227163, Class A, issued
15 to Sam's Complete Auto Repair and Smog, doing business as Sam's Complete Auto Repair &
16 Smog;

17 6. Revoking or suspending Lamp Station License Number BS 227163, Class C, issued
18 to Sam's Complete Auto Repair and Smog, doing business as Sam's Complete Auto Repair &
19 Smog;

20 7. Revoking or suspending any additional license issued under Articles 5 and 6 of
21 Chapter 20.3 of the Business and Professions Code in the name of Sam's Complete Auto Repair
22 and Smog;

23 8. Revoking or suspending Advanced Emission Specialist Technician License Number
24 EA 030749, issued to Amarjit Singh;

25 9. Revoking or suspending any additional license issued under Chapter 5 of the Health
26 and Safety Code in the name of Amarjit Singh;

27 10. Revoking or suspending Lamp Adjuster License Number LA 030749, Class A, issued
28 to Amarjit Singh;

1 11. Revoking or suspending Brake Adjuster License Number BA 030749, Class C, issued
2 to Amarjit Singh;

3 12. Revoking or suspending any additional license issued under Articles 5 and 6 of
4 Chapter 20.3 of the Business and Professions Code in the name of Amarjit Singh;

5 13. Revoking or suspending Advanced Emission Specialist Technician License Number
6 EA 154653, issued to Kevin S Parman;

7 14. Revoking or suspending any additional license issued under Chapter 5 of the Health
8 and Safety Code in the name of Kevin S. Parman;

9 15. Revoking or suspending Lamp Adjuster License Number LA 154653, Class A, issued
10 to Kevin S. Parman;

11 16. Revoking or suspending Brake Adjuster License Number BA 154653, Class C, issued
12 to Kevin S. Parman;

13 17. Revoking or suspending any additional license issued under Articles 5 and 6 of
14 Chapter 20.3 of the Business and Professions Code in the name of Kevin S. Parman;

15 18. Ordering Sam's Complete Auto Repair and Smog, Amarjit Singh, and Kevin S.
16 Parman to pay the Bureau of Automotive Repair the reasonable costs of the investigation and
17 enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

18 19. Taking such other and further action as deemed necessary and proper.

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21 DATED: 2/27/12

John Wallauch by 
JOHN WALLAUCH
Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant
DUGA BALATI
Assist. Chief

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