

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

In the Matter of the Accusation Against:

**LEE'S AUTO SERVICE; SANG TOK YI**  
2580 W. Venice Blvd., #1  
Los Angeles, CA 90019  
Automotive Repair Dealer Registration No.  
ARD 197295  
Smog Check Station License No. RC 197295  
Lamp Station License No. LS 197295  
Brake Station License No. BS 197295,

and

**SANG TOK YI**  
937 3rd Avenue  
Los Angeles, CA 90019  
Smog Inspector License EO 311547  
Smog Check Repair Technician License No.  
EI 311547 (Previously Advanced Emissions  
Specialist License No. EA 311547  
Brake Adjuster License No. BA 311547  
Lamp Adjuster License No. LA 311547

Respondents.

Case No. 79/14-46

OAH No. 2013110683

**DECISION**

The attached Stipulated Settlement and Revocation of Licenses and Order is hereby accepted and adopted as the Decision of the Director of the Department of Consumer Affairs in the above-entitled matter.

This Decision shall become effective August 27, 2014.

DATED: August 6, 2014

  
\_\_\_\_\_  
DOREATHEA JOHNSON  
Deputy Director, Legal Affairs  
Department of Consumer Affairs

1 KAMALA D. HARRIS  
Attorney General of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
3 WILLIAM D. GARDNER  
Deputy Attorney General  
4 State Bar No. 244817  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2114  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*  
7

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

10  
11 In the Matter of the Accusation Against:  
**LEE'S AUTO SERVICE; SANG TOK YI**  
12 **2580 W. Venice Blvd., #1**  
**Los Angeles, CA 90019**  
13 **Automotive Repair Dealer Registration No.**  
**ARD 197295**  
14 **Smog Check Station License No. RC 197295**  
**Lamp Station License No. LS 197295**  
15 **Brake Station License No. BS 197295,**

16 **and**

17 **SANG TOK YI**  
**937 3rd Avenue**  
18 **Los Angeles, CA 90019**  
**Smog Inspector License EO311547**  
19 **Smog Check Repair Technician License No.**  
**EI311547 (Previously Advanced Emissions**  
20 **Specialist License No. EA311547)**  
**Brake Adjuster License No. BA 311547**  
21 **Lamp Adjuster License No. LA 311547**

22 Respondents.  
23

Case No. 79/14-46

OAH No. 2013110683

**STIPULATED SETTLEMENT AND  
REVOCATION OF LICENSES AND  
ORDER**

24 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the above-  
25 entitled proceedings that the following matters are true:

26 **PARTIES**

27 1. Patrick Dorais (Complainant) is the Chief of the Bureau of Automotive Repair. He  
28 brought this action solely in his official capacity and is represented in this matter by Kamala D.

1 Harris, Attorney General of the State of California, by William D. Gardner, Deputy Attorney  
2 General.

3 2. Lee's Auto Service; Sang Tok Yi and Sang Tok Yi (collectively, "Respondent") are  
4 represented in this proceeding by attorney William D. Ferreira, whose address is 582 Market  
5 Street, #1608, San Francisco CA 94104.

6 3. On or about December 10, 1997, the Bureau of Automotive Repair issued  
7 Automotive Repair Dealer Registration Number ARD 197295 to Lee's Auto Service; Sang Tok  
8 Yi. The Automotive Repair Dealer Registration was in full force and effect at all times relevant  
9 to the charges brought herein and will expire on November 30, 2014, unless renewed.

10 4. On or about December 19, 1997, the Bureau of Automotive Repair issued Smog  
11 Check Station License Number RC 197295 to Lee's Auto Service; Sang Tok Yi. The Smog  
12 Check Station License was in full force and effect at all times relevant to the charges brought  
13 herein and will expire on November 30, 2014, unless renewed.

14 5. On or about January 7, 1998, the Bureau of Automotive Repair issued Lamp Station  
15 License Number LS 197295 to Lee's Auto Service; Sang Tok Yi. The Lamp Station License was  
16 in full force and effect at all times relevant to the charges brought herein and will expire on  
17 November 30, 2014, unless renewed.

18 6. On or about January 7, 1998, the Bureau of Automotive Repair issued Brake Station  
19 License Number BS 197295 to Lee's Auto Service; Sang Tok Yi (Respondent Lee's). The Lamp  
20 Station License was in full force and effect at all times relevant to the charges brought herein and  
21 will expire on November 30, 2014, unless renewed.

22 7. In 1996 the Bureau of Automotive Repair issued Advanced Emission Specialist  
23 Technician License Number EA 311547 to Sang Tok Yi. The Advanced Emission Specialist  
24 Technician License was cancelled in February 4, 2014, and said license was renewed/reissued as  
25 Smog Inspector License EO311547 and Smog Check Repair Technician License No. EI311547,  
26 effective February 4, 2014.<sup>1</sup> The licenses will expire on May 31, 2016.

27 \_\_\_\_\_  
28 <sup>1</sup> Effective August 1, 2012, California Code of Regulations, title 16, sections 3340.28,  
3340.29, and 3340.30 were amended to implement a license restructure from the Advanced  
Emission Specialist Technician (EA) license and Basic Area (EB) Technician license to Smog  
(continued...)



1 13. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
2 every right set forth above.

3 CULPABILITY

4 **Revocation of Licenses**

5 14. Respondent admits the truth of each and every charge and allegation in Accusation  
6 No. 79/14-46, agrees that cause for discipline exists and and hereby agrees to the voluntary  
7 revocation of the following licenses: Lamp Station License Number LS 197295 issued to  
8 Respondent Lee's; Brake Station License Number BS 197295 issued to Respondent Lee's; Lamp  
9 Adjuster License Number LA 311547 issued to Respondent Yi; and Brake Adjuster License  
10 Number BA 311547 issued to Respondent Yi.

11 15. Respondent understands that by signing this stipulation he enables the Director to  
12 issue his order accepting the voluntary revocation of Lamp Station License Number LS 197295,  
13 Brake Station License Number BS 197295, Lamp Adjuster License Number LA 311547, and  
14 Brake Adjuster License Number BA 311547, without further process.

15 **Probationary Licenses & Registration**

16 16. Respondent admits the truth of each and every charge and allegation in Accusation  
17 No. 79/14-46, and agrees that Automotive Repair Dealer Registration Number ARD 197295  
18 issued to Respondent Lee's, Smog Check Station License Number RC 197295 issued to  
19 Respondent Lee's, Smog Inspector License EO311547 issued to Respondent Yi and Smog Check  
20 Repair Technician License No. EI311547 issued to Respondent Yi are subject to discipline, and  
21 Respondent agrees to be bound by the Director's probationary terms as set forth in the  
22 Disciplinary Order below.

23 CONTINGENCY

24 17. This stipulation shall be subject to approval by the Director or the Director's designee.  
25 Respondent understands and agrees that counsel for Complainant and the staff of the Bureau of  
26 Automotive Repair may communicate directly with the Director and staff regarding this  
27 stipulation and surrender, without notice to or participation by Respondent or his counsel. By  
28 signing the stipulation, Respondent understands and agrees that he may not withdraw his

1 agreement or seek to rescind the stipulation prior to the time the Director considers and acts upon  
2 it. If the Director fails to adopt this stipulation as the Decision and Order, the Stipulated  
3 Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall  
4 be inadmissible in any legal action between the parties, and the Director shall not be disqualified  
5 from further action by having considered this matter.

6 18. The parties understand and agree that Portable Document Format (PDF) and facsimile  
7 copies of this Stipulated Surrender of License and Order, including Portable Document Format  
8 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

9 19. This Stipulated Surrender of License and Order is intended by the parties to be an  
10 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
11 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
12 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order  
13 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing  
14 executed by an authorized representative of each of the parties.

15 20. In consideration of the foregoing admissions and stipulations, the parties agree that  
16 the Director may, without further notice or formal proceeding, issue and enter the following  
17 Order:

18 **DISCIPLINARY ORDER**

19 **IT IS HEREBY ORDERED** that the following licenses are revoked and accepted by the  
20 Director of Consumer Affairs: Lamp Station License Number LS 197295 issued to Respondent  
21 Lee's; Brake Station License Number BS 197295 issued to Respondent Lee's; Lamp Adjuster  
22 License Number LA 311547 issued to Respondent Yi; and Brake Adjuster License Number BA  
23 311547 issued to Respondent Yi.

24 1. The voluntary revocation of Respondent's Lamp Station License, Brake Station  
25 License, Lamp Adjuster License and Brake Adjuster License, and the acceptance of the revoked  
26 licenses by the Bureau shall constitute the imposition of discipline against Respondent. This  
27 stipulation constitutes a record of the discipline and shall become a part of Respondent's license  
28 history with the Bureau of Automotive Repair.

1           2.     Respondent shall lose all rights and privileges as Brake Station, Lamp Station, Lamp  
2 Adjuster and Brake Adjuster in the State of California as of the effective date of the Director's  
3 Decision and Order.

4           3.     Respondent shall cause to be delivered to the Bureau any pocket licenses and, if  
5 issued, his wall certificates pertaining to the revoked licenses on or before the effective date of the  
6 Decision and Order, as well as any brake and lamp certificate books purchased from Bureau.

7           4.     If Respondent ever files an application for licensure or a petition for reinstatement in  
8 the State of California, the Bureau shall treat it as a petition for reinstatement. Respondent must  
9 comply with all the laws, regulations and procedures for reinstatement of a revoked license in  
10 effect at the time the petition is filed, and all of the charges and allegations contained in  
11 Accusation No. 79/14-46 shall be deemed to be true, correct and admitted by Respondent when  
12 the Director determines whether to grant or deny the petition.

13           **IT IS FURTHER ORDERED** that Automotive Repair Dealer Registration Number ARD  
14 197295, Smog Check Station License Number RC 197295, Smog Inspector License EO311547  
15 and Smog Check Repair Technician License No. EI311547 are revoked. However, the  
16 revocations are stayed and Respondent's Automotive Repair Dealer Registration, Smog Check  
17 Station License, Smog Inspector (EO) License and Smog Check Repair Technician (EI) License  
18 are placed on probation for three (3) years on the following terms and conditions.

19           1.     **Obey All Laws.** Comply with all statutes, regulations and rules governing  
20 automotive inspections, estimates and repairs.

21           2.     **Reporting.** Respondent or Respondent's authorized representative must report in  
22 person or in writing as prescribed by the Bureau of Automotive Repair, on a schedule set by the  
23 Bureau, but no more frequently than each quarter, on the methods used and success achieved in  
24 maintaining compliance with the terms and conditions of probation.

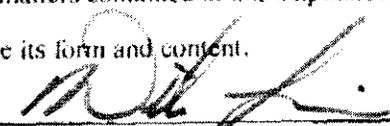
25           3.     **Report Financial Interest.** Within 30 days of the effective date of this action, report  
26 any financial interest which any partners, officers, or owners of the Respondent facility may have  
27 in any other business required to be registered pursuant to Section 9884.6 of the Business and  
28 Professions Code.



1 enter into this Stipulated Settlement and Revocation of Licenses and Order voluntarily,  
 2 knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of  
 3 Consumer Affairs.

4  
 5 DATED: 5-16-2014   
 6 LEE'S AUTO SERVICE; SANG TOK YI  
 7 SANG TOK YI  
 8 Respondents

9 I have read and fully discussed with Respondents Lee's Auto Service; Sang Tok Yi and  
 10 Sang Tok Yi the terms and conditions and other matters contained in this Stipulated Settlement  
 11 and Revocation of Licenses and Order. I approve its form and content.

12 DATED: 5/16/14   
 13 WILLIAM D. FERREIRA  
 14 Attorney for Respondent

15 ENDORSEMENT

16 The foregoing Stipulated Settlement and Revocation of Licenses and Order is hereby  
 17 respectfully submitted for consideration by the Director of Consumer Affairs.

18 Dated: Respectfully submitted,  
 19 KAMALA D. HARRIS  
 20 Attorney General of California  
 21 GREGORY J. SALUTE  
 22 Supervising Deputy Attorney General

23 WILLIAM D. GARDNER  
 24 Deputy Attorney General  
 25 *Attorneys for Complainant*

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28

1 enter into this Stipulated Settlement and Revocation of Licenses and Order voluntarily,  
2 knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of  
3 Consumer Affairs.

4  
5 DATED: \_\_\_\_\_

6 LEE'S AUTO SERVICE; SANG TOK YI  
7 SANG TOK YI  
8 Respondents

9 I have read and fully discussed with Respondents Lee's Auto Service; Sang Tok Yi and  
10 Sang Tok Yi the terms and conditions and other matters contained in this Stipulated Settlement  
11 and Revocation of Licenses and Order. I approve its form and content.

12 DATED: \_\_\_\_\_

13 WILLIAM D. FERREIRA  
14 Attorney for Respondent

15 ENDORSEMENT

16 The foregoing Stipulated Settlement and Revocation of Licenses and Order is hereby  
17 respectfully submitted for consideration by the Director of Consumer Affairs.

18 Dated: 6/5/14

19 Respectfully submitted,

20 KAMALA D. HARRIS  
21 Attorney General of California  
22 GREGORY J. SALUTE  
23 Supervising Deputy Attorney General

24 

25 WILLIAM D. GARDNER  
26 Deputy Attorney General  
27 *Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 79/14-46**

1 KAMALA D. HARRIS  
Attorney General of California  
2 KAREN B. CHAPPELLE  
Supervising Deputy Attorney General  
3 WILLIAM D. GARDNER  
Deputy Attorney General  
4 State Bar No. 244817  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2114  
6 Facsimile: (213) 897-2804  
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Case No. 79/14-46

12 **LEE'S AUTO SERVICE; SANG TOK YI**  
13 **2580 W. Venice Blvd., #1**  
14 **Los Angeles, CA 90019**

**FIRST AMENDED ACCUSATION**

14 **Automotive Repair Dealer Registration No.**  
15 **ARD 197295**  
16 **Smog Check Station License No. RC 197295**  
17 **Lamp Station License No. LS 197295**  
18 **Brake Station License No. BS 197295**

18 and

19 **SANG TOK YI**  
20 **937 3rd Avenue**  
21 **Los Angeles, CA 90019**

21 **Advanced Emission Specialist Technician**  
22 **License No. EA 311547 (to be redesignated**  
23 **upon renewal as EO 311547 and/or El**  
24 **311547)**  
25 **Brake Adjuster License No. BA 311547**  
26 **Lamp Adjuster License No. LA 311547**

24 Respondents.

26 ///

27 ///

28 ///

1 Complainant alleges:

2 PARTIES

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

5 2. On or about December 10, 1997, the Bureau of Automotive Repair issued  
6 Automotive Repair Dealer Registration Number ARD 197295 to Lee's Auto Service; Sang Tok  
7 Yi. The Automotive Repair Dealer Registration was in full force and effect at all times relevant  
8 to the charges brought herein and will expire on November 30, 2013, unless renewed.

9 3. On or about December 19, 1997, the Bureau of Automotive Repair issued Smog  
10 Check Station License Number RC 197295 to Lee's Auto Service; Sang Tok Yi (Respondents).  
11 The Smog Check Station License was in full force and effect at all times relevant to the charges  
12 brought herein and will expire on November 30, 2013, unless renewed.

13 4. On or about January 7, 1998, the Bureau of Automotive Repair issued Lamp Station  
14 License Number LS 197295 to Lee's Auto Service; Sang Tok Yi. The Lamp Station License was  
15 in full force and effect at all times relevant to the charges brought herein and will expire on  
16 November 30, 2013, unless renewed.

17 5. On or about January 7, 1998, the Bureau of Automotive Repair issued Brake Station  
18 License Number BS 197295 to Lee's Auto Service; Sang Tok Yi (Respondent station). The Lamp  
19 Station License was in full force and effect at all times relevant to the charges brought herein and  
20 will expire on November 30, 2013, unless renewed.

21 6. In 1996 the Bureau of Automotive Repair issued Advanced Emission Specialist  
22 Technician License Number EA 311547 to Sang Tok Yi. The Advanced Emission Specialist  
23 Technician License was in full force and effect at all times relevant to the charges brought herein  
24 and will expire on May 31, 2014, unless renewed. Upon renewal, Respondent's license will be  
25 redesignated as EO 311547 and/or 311547.<sup>1</sup>

26 <sup>1</sup> Effective August 1, 2012, California Code of Regulations, title 16, sections 3340.28,  
27 3340.29, and 3340.30 were amended to implement a license restructure from the Advanced  
28 Emission Specialist Technician (EA) license and Basic Area (EB) Technician license to Smog  
Check Inspector (EO) license and/or Smog Check Repair Technician (EI) license.



1 (b) Is convicted of any crime substantially related to the qualifications, functions, or duties  
2 of the licenseholder in question.

3 . . . .  
4 14. Section 44072.8 of the HSC provides:

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

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

12 **STATUTES AND REGULATIONS**

13 16. BPC Code section 9884.7 states, in pertinent part:

14 (a) The director, where the automotive repair dealer cannot show there  
15 was a bona fide error, may deny, suspend, revoke or place on probation the  
16 registration of an automotive repair dealer for any of the following acts or omissions  
17 related to the conduct of the business of the automotive repair dealer, which are done  
18 by the automotive repair dealer or any automotive technician, employee, partner,  
19 officer, or member of the automotive repair dealer.

20 (1) Making or authorizing in any manner or by any means whatever any  
21 statement written or oral which is untrue or misleading, and which is known, or which  
22 by the exercise of reasonable care should be known, to be untrue or misleading.

23 . . . .  
24 (3) Failing or refusing to give to a customer a copy of any document  
25 requiring his or her signature, as soon as the customer signs the document.

26 (4) Any other conduct that constitutes fraud.

27 . . . .  
28 (6) Failure in any material respect to comply with the provisions of this  
chapter or regulations adopted pursuant to it.

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17. BPC Code section 9884.9, subdivision (a), states, in pertinent part:

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

18. BPC Code section 9889.3 states, in pertinent part:

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

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

(b) Is convicted of any crime substantially related to the qualifications, functions, or duties of the licenseholder in question.

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

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

. . . .

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

19. BPC Code section 9889.16 states:

Whenever a licensed adjuster in a licensed station upon an inspection or after an adjustment, made in conformity with the instructions of the bureau, determines that the lamps or the brakes upon any vehicle conform with the requirements of the Vehicle Code, he shall, when requested by the owner or driver of the vehicle, issue a certificate of adjustment on a form prescribed by the director, which certificate shall contain the date of issuance, the make and registration number of the vehicle, the name of the owner of the vehicle, and the official license of the station.

1 20. BPC Code section 9889.22 states:

2 The willful making of any false statement or entry with regard to a  
3 material matter in any oath, affidavit, certificate of compliance or noncompliance, or  
4 application form which is required by this chapter [the Automotive Repair Act] or  
5 Chapter 5 (commencing with Section 44000) of Part 5 of Division 26 of the Health  
6 and Safety Code constitutes perjury and is punishable as provided in the Penal Code.

7  
8 21. California Code of Regulations, title 16, section 3340.10, provides that only a  
9 registered automotive repair dealer may be licensed as a smog check station.

### 10 COST RECOVERY

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

### 15 UNDERCOVER OPERATION #1: 2000 TOYOTA

16 23. On April 25, 2012, an undercover operator of the Bureau ("operator") took the  
17 Bureau's 2000 Toyota pickup to Respondent station and requested brake, lamp and smog  
18 inspections. The rear brake drums on the Bureau-documented vehicle were oversized and had  
19 been machined beyond the manufacturer's discard specifications. In addition, both headlamps  
20 were misadjusted and the license plate lights were not operational. Due to these conditions, the  
21 Bureau-documented vehicle was incapable of passing a brake or lamp inspection without  
22 appropriate adjustments and/or repairs. Respondent instructed the operator to sign and provide  
23 her name and contact information on a blank repair order, which the operator did. Respondent  
24 failed to provide a copy of the signed document or any written estimate to the operator.  
25 Respondent then directed the operator to a waiting area.

26 24. Respondent later returned and informed the operator that the vehicle had passed the  
27 brake inspection and, after he replaced the license plate bulbs, the lamp inspection as well.  
28 Respondent then provided the operator with an invoice for \$96.75 along with Brake Certificate  
No. [REDACTED] and Lamp Certificate No. [REDACTED], both of which were signed under penalty  
of perjury. The invoice failed to separately list and describe all of the service and repair work

1 performed or the price of each service and repair. In addition, the invoice failed to separately  
2 record the subtotal price of the service work performed or to state separately the price for parts  
3 supplied. Respondent also failed to obtain authorization to from the operator to perform any  
4 repair work on the vehicle.

5 25. After Respondent issued the brake certificate and lamp certificate for the 2000 Toyota  
6 pickup, the Bureau documented that the vehicle's rear brake drums remained oversized and  
7 outside of the manufacturer's discard specifications. The Bureau also documented that both  
8 headlamps were in the same misadjusted position that they had been in prior to Respondent's  
9 inspection. Due to these conditions, the Bureau-documented vehicle should not have passed  
10 Respondent brake or lamp inspection.

11 **UNDERCOVER OPERATION #2: 1986 CHEVROLET**

12 26. On September 14, 2012, an undercover operator of the Bureau ("operator") took the  
13 Bureau's 1986 Chevrolet to Respondent station and requested brake, lamp and smog inspections.  
14 The front brake rotors on the Bureau-documented vehicle were undersized and were beyond the  
15 manufacturer's discard specifications. In addition, both headlamps were misadjusted and the  
16 license plate lights were not operational. Due to these conditions, the vehicle was incapable of  
17 passing a brake or lamp inspection without appropriate adjustments and/or repairs. Respondent  
18 instructed the operator to sign and provide her name and contact information on a blank repair  
19 order, which the operator did. Respondent provided a copy of the repair order to the operator  
20 and directed her to the waiting area.

21 27. Respondent later returned and informed the operator that the vehicle had passed the  
22 brake inspection and, after he replaced the license plate bulbs, the lamp inspection as well.  
23 Respondent then provided the operator with an invoice for \$111.75, along with Brake Certificate  
24 No. [REDACTED] and Lamp Certificate No. [REDACTED], both of which were signed under penalty  
25 of perjury. The invoice failed to separately list and describe all of the service and repair work  
26 performed or the price of each service and repair. In addition, the invoice failed to separately  
27 record the subtotal price of the service work performed. Due to these conditions, the Bureau-  
28 documented vehicle should not have passed Respondent's brake or lamp inspection.



1 inspections, adjustments and/or repairs of the brake and lighting systems on the Bureau's 2000  
2 Toyota and the Bureau's 1986 Chevrolet as specified by the Bureau and in accordance with the  
3 Vehicle Code. In fact, Respondent failed to perform the necessary inspections, adjustments, and  
4 repairs on those vehicles in compliance with Bureau Regulations or the Vehicle Code.  
5 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
6 paragraphs 22 through 27, inclusive, as though set forth fully herein.

7 **THIRD CAUSE FOR DISCIPLINE**

8 **(Failure to Comply with the Bus. & Prof. Code)**

9 31. Respondent Lee's Auto Service; Sang Tok Yi's registration is subject to disciplinary  
10 action pursuant to BPC Code section 9884.7, subdivision (a)(6), in that Respondent failed to  
11 comply with provisions of that Code in the following material respects:

12 a. **Section 9884.9, subdivision (a)**: Respondent failed to record on the invoice the  
13 operator's authorization for the additional repairs on the Bureau's 2000 Toyota; i.e., the  
14 replacement of the defective license plate light bulbs.

15 b. **Section 9889.16**: Respondent issued, and signed under penalty of perjury, Brake  
16 Certificate No. [REDACTED] and Lamp Certificate No. [REDACTED] for the Bureau's 2000 Toyota  
17 when the vehicle was not in compliance with Bureau Regulations or the requirements of the  
18 Vehicle Code. Respondent also issued, and signed under penalty of perjury, Brake Certificate  
19 No. [REDACTED] and Lamp Certificate No. [REDACTED] for the Bureau's 1986 Chevrolet when the  
20 vehicle was not in compliance with Bureau Regulations or the requirements of the Vehicle Code.

21 c. **Section 9889.22**: Respondent willfully made false statements or entries on Brake  
22 Certificate No. [REDACTED], Lamp Certificate No. [REDACTED], Brake Certificate No. [REDACTED]  
23 and Lamp Certificate No. [REDACTED] as set forth in paragraphs 22 through 27, above.

24 **FOURTH CAUSE FOR DISCIPLINE**

25 **(Violations of Regulations)**

26 32. Respondent's registration is subject to disciplinary action pursuant to BPC Code  
27 section 9884.7, subdivision (a)(6), in that Respondent failed to comply with provisions of  
28 California Code of Regulations, title 16, in the following material respects:

1 a. **Section 3305, subdivision (a)**: Respondent failed to perform the inspection of the  
2 brake system and inspection and adjustment of the lamp system on the Bureau's 2000 Toyota in  
3 accordance with the specifications, instructions, and directives issued by the Bureau and the  
4 vehicle manufacturer. Respondent also failed to perform the inspection of the brake system and  
5 inspection and adjustment of the lamp system on the Bureau's 1986 Chevrolet in accordance with  
6 the specifications, instructions, and directives issued by the Bureau and the vehicle manufacturer.

7 b. **Section 3316, subdivision (d)(2)**: Respondent issued Lamp Certificate No.  
8 [REDACTED] for the Bureau's 2000 Toyota and Lamp Certificate No. [REDACTED] for the Bureau's  
9 1986 Chevrolet when all of the lamps, lighting equipment, and/or related electrical systems on  
10 those vehicles were not in compliance with Bureau regulations.

11 c. **Section 3321, subdivision (c)(2)**: Respondent issued Brake Certificate No.  
12 [REDACTED] for the Bureau's 2000 Toyota and Brake Certificate No. [REDACTED] for the Bureau's  
13 1986 Chevrolet when the brake systems on those vehicles had not been completely tested or  
14 inspected.

#### 15 **FIFTH CAUSE FOR DISCIPLINE**

##### 16 **(Failure to Provide Customer with Signed Document)**

17 33. Respondent Lee's Auto Service; Sang Tok Yi's registration is subject to disciplinary  
18 action pursuant to BPC Code section 9884.7, subdivision (a)(3), in that Respondent failed to give  
19 to a customer a copy of any document requiring his or her signature, as soon as the customer  
20 signs the document. Complainant refers to, and by this reference incorporates, the allegations set  
21 forth above in paragraph 22, inclusive, as though set forth fully herein.

#### 22 **SIXTH CAUSE FOR DISCIPLINE**

##### 23 **(Failure to Comply with the Bus. & Prof. Code)**

24 34. Respondent Lee's Auto Service; Sang Tok Yi's brake and lamp station licenses are  
25 subject to disciplinary action pursuant to BPC Code section 9889.3, subdivisions (a) and (h), in  
26 that Respondent violated the provisions of BPC sections 9884.9, subdivision (a), 9889.16, and  
27 9889.22 relating to Respondent's licensed activities. Complainant refers to, and by this reference

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1 incorporates, the allegations set forth above in paragraphs 22 through 27, inclusive, as though set  
2 forth fully herein.

3 **SEVENTH CAUSE FOR DISCIPLINE**

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

5 35. Respondent Lee's Auto Service; Sang Tok Yi's brake and lamp station licenses are  
6 subject to disciplinary action pursuant to BPC Code section 9889.3, subdivision (c), in that  
7 Respondent failed to comply with the provisions of California Code of Regulations, title 16,  
8 sections 3305, subdivision (a), 3316, subdivision (d)(2), and 3321, subdivision (c)(2).  
9 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
10 paragraphs 22 through 27, inclusive, as though set forth fully herein.

11 **EIGHTH CAUSE FOR DISCIPLINE**

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

13 36. Respondent Lee's Auto Service; Sang Tok Yi's brake and lamp station licenses are  
14 subject to disciplinary action pursuant to BPC Code section 9889.3, subdivision (d), in that  
15 Respondent committed acts involving dishonesty, fraud, or deceit whereby another was injured.  
16 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
17 paragraphs 22 through 27, inclusive, as though set forth fully herein.

18 **NINTH CAUSE FOR DISCIPLINE**

19 **(Failure to Comply with the Bus. & Prof. Code)**

20 37. Respondent Sang Tok Yi's brake and lamp adjuster licenses are subject to  
21 disciplinary action pursuant to BPC Code section 9889.3, subdivisions (a) and (h), in that he  
22 violated the provisions of Bus. & Prof. Code sections 9884.9, subdivision (a), 9889.16, and  
23 9889.22 relating to his licensed activities. Complainant refers to, and by this reference  
24 incorporates, the allegations set forth above in paragraphs 22 through 27, inclusive, as though set  
25 forth fully herein.

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**TENTH CAUSE FOR DISCIPLINE**

**(Violations of Regulations)**

38. Respondent Sang Tok Yi's brake and lamp adjuster licenses are subject to disciplinary action pursuant to BPC Code section 9889.3, subdivision (c), in that he failed to comply with the provisions of California Code of Regulations, title 16, sections 3305, subdivision (a), 3316, subdivision (d)(2), and 3321, subdivision (c)(2). Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraphs 22 through 27, inclusive, as though set forth fully herein.

**ELEVENTH CAUSE FOR DISCIPLINE**

**(Criminal Conviction)**

39. Respondent Lee's Auto Service; Sang Tok Yi and respondent Sang Tok Yi's respective registration, brake and lamp station licenses, and brake and lamp adjuster licenses are subject to disciplinary action pursuant to BPC Code section 9889.3, subdivision (b), in that respondent Sang Tok Yi sustained a criminal conviction substantially related to the qualification, functions and/or duties of his licensure. The circumstances surrounding the conviction are that, in the criminal proceeding entitled *The People of California v. Sang Tok Yi* (Super. Ct. Los Angeles County, 2013, Case No. 3CA00079), respondent Sang Tok Yi entered a plea of nolo contendere and was convicted of one misdemeanor count of violating Business and Professions Code section 9889.16 [unlawful issuance of brake and/or lamp certificates] related to the misconduct set forth above in paragraphs 22 through 27. Respondent Yi was sentenced to sixty (60) days in county jail, placed on probation for a period of thirty-six (36) months and fined.

**TWELFTH CAUSE FOR DISCIPLINE**

**(Criminal Conviction)**

40. Respondent Lee's Auto Service; Sang Tok Yi and respondent Sang Tok Yi's respective smog station license and smog technician license are subject to disciplinary action pursuant to HSC Code section 44072.2, subdivision (b), in that respondent Sang Tok Yi sustained a criminal conviction substantially related to the qualification, functions and/or duties of his

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1 licensure. Complainant refers to, and by this reference incorporates, the allegations set forth  
2 above in paragraph 39, inclusive, as though set forth fully herein.

3 **DISCIPLINE CONSIDERATIONS**

4 41. To determine the degree of discipline, if any, to be imposed, Complainant alleges that  
5 on or about August 12, 2005, in a prior disciplinary action entitled *In the Matter of the*  
6 *Accusation Against Sang Tok Yi dba Lee's Automotive Service* before the Bureau of Automotive  
7 Repair (Case Number 77/04-82), Respondent Lee's Auto Service; Sang Tok Yi's' ARD, official  
8 brake station license, official lamp station license and smog check station license were disciplined  
9 for fraudulently issuing lamp and brake certificates in violation of section 9889.16 of the  
10 BPC. That decision is now final and is incorporated by reference as if fully set forth.

11 **PRAYER**

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

- 14 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD  
15 197295, issued to Lee's Auto Service; Sang Tok Yi;
- 16 2. Revoking or suspending Brake Station License Number BS 197295, issued to Lee's  
17 Auto Service; Sang Tok Yi;
- 18 3. Revoking or suspending Lamp Station License Number LS 197295, issued to Lee's  
19 Auto Service; Sang Tok Yi;
- 20 4. Revoking or suspending Smog Check Station License Number RC 197295, issued to  
21 Lee's Auto Service; Sang Tok Yi;
- 22 5. Revoking or suspending Brake Adjuster License Number BA 311547, issued to Sang  
23 Tok Yi;
- 24 6. Revoking or suspending Lamp Adjuster License Number LA 311547, issued to Sang  
25 Tok Yi;
- 26 7. Revoking or suspending Sang Tok Yi's smog technician license, currently designated  
27 as EA 311547 and as redesignated upon his timely renewal as EO 311547 and/or EI 311547;

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- 8. Revoking or suspending any additional license issued under Chapter 5 of the Health and Safety Code in the name of Sang Tok Yi;
- 9. Ordering Lee's Auto Service; Sang Tok Yi and Sang Tok Yi to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
- 10. Taking such other and further action as deemed necessary and proper.

DATED: November 5, 2013

  
PATRICK DORAIS  
Acting Chief  
Bureau of Automotive Repair  
Department of Consumer Affairs  
State of California  
*Complainant*

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1 KAMALA D. HARRIS  
Attorney General of California  
2 KAREN B. CHAPPELLE  
Supervising Deputy Attorney General  
3 WILLIAM D. GARDNER  
Deputy Attorney General  
4 State Bar No. 244817  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2114  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*

7  
8 **BEFORE THE**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 79/14-46

13 LEE'S AUTO SERVICE; SANG TOK YI

**REQUEST FOR DISCOVERY**

14 Respondents.

15 TO RESPONDENT:

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

20 PURSUANT TO SECTION 11507.6 OF THE GOVERNMENT CODE, YOU ARE  
21 HEREBY REQUESTED TO:

- 22 1. Provide the names and addresses of witnesses to the extent known to the Respondent,  
23 including, but not limited to, those intended to be called to testify at the hearing, and  
24 2. Provide an opportunity for the Complainant to inspect and make a copy of any of the  
25 following in the possession or custody or under control of the Respondent:  
26 a. A statement of a person, other than the Respondent, named in the  
27 initial administrative pleading, or in any additional pleading, when it is claimed that  
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1 the act or omission of the Respondent as to this person is the basis for the  
2 administrative proceeding;

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

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

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

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

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

21  
22 For the purpose of this Request for Discovery, "statements" include written statements by  
23 the person, signed, or otherwise authenticated by him or her, stenographic, mechanical, electrical  
24 or other recordings, or transcripts thereof, of oral statements by the person, and written reports or  
25 summaries of these oral statements.

26 YOU ARE HEREBY FURTHER NOTIFIED that nothing in this Request for Discovery  
27 should be deemed to authorize the inspection or copying of any writing or thing which is  
28

1 privileged from disclosure by law or otherwise made confidential or protected as attorney's work  
2 product.

3 Your response to this Request for Discovery should be directed to the undersigned attorney  
4 for the Complainant at the address on the first page of this Request for Discovery within 15 days  
5 after service of the Amended Accusation.

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

9 Dated: November 13, 2013

KAMALA D. HARRIS  
Attorney General of California  
KAREN B. CHAPPELLE  
Supervising Deputy Attorney General

12 

13 WILLIAM D. GARDNER  
14 Deputy Attorney General  
*Attorneys for Complainant*

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**COPY OF GOVERNMENT CODE SECTIONS 11507.5, 11507.6 AND 11507.7  
PROVIDED PURSUANT TO GOVERNMENT CODE SECTIONS 11504 AND 11505**

**SECTION 11507.5: Exclusivity of discovery provisions**

The provisions of Section 11507.6 provide the exclusive right to and method of discovery as to any proceeding governed by this chapter.

**SECTION 11507.6: Request for discovery**

After initiation of a proceeding in which a respondent or other party is entitled to a hearing on the merits, a party, upon written request made to another party, prior to the hearing and within 30 days after service by the agency of the initial pleading or within 15 days after the service of an additional pleading, is entitled to (1) obtain the names and addresses of witnesses to the extent known to the other party, including, but not limited to, those intended to be called to testify at the hearing, and (2) inspect and make a copy of any of the following in the possession or custody or under the control of the other party:

(a) A statement of a person, other than the respondent, named in the initial administrative pleading, or in any additional pleading, when it is claimed that the act or omission of the respondent as to this person is the basis for the administrative proceeding;

(b) A statement pertaining to the subject matter of the proceeding made by any party to another party or person;

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

(d) All writings, including, but not limited to, reports of mental, physical and blood examinations and things which the party then proposes to offer in evidence;

(e) Any other writing or thing which is relevant and which would be admissible in evidence;

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

For the purpose of this section, "statements" include written statements by the person signed or otherwise authenticated by him or her, stenographic, mechanical, electrical or other recordings, or transcripts thereof, of oral statements by the person, and written reports or summaries of these oral statements.

Nothing in this section shall authorize the inspection or copying of any writing or thing which is privileged from disclosure by law or otherwise made confidential or protected as the attorney's work product.

## **SECTION 11507.7: Petition to compel discovery; Order; Sanctions**

(a) Any party claiming the party's request for discovery pursuant to Section 11507.6 has not been complied with may serve and file with the administrative law judge a motion to compel discovery, naming as respondent the party refusing or failing to comply with Section 11507.6. The motion shall state facts showing the respondent party failed or refused to comply with Section 11507.6, a description of the matters sought to be discovered, the reason or reasons why the matter is discoverable under that section, that a reasonable and good faith attempt to contact the respondent for an informal resolution of the issue has been made, and the ground or grounds of respondent's refusal so far as known to the moving party.

(b) The motion shall be served upon respondent party and filed within 15 days after the respondent party first evidenced failure or refusal to comply with Section 11507.6 or within 30 days after request was made and the party has failed to reply to the request, or within another time provided by stipulation, whichever period is longer.

(c) The hearing on the motion to compel discovery shall be held within 15 days after the motion is made, or a later time that the administrative law judge may on the judge's own motion for good cause determine. The respondent party shall have the right to serve and file a written answer or other response to the motion before or at the time of the hearing.

(d) Where the matter sought to be discovered is under the custody or control of the respondent party and the respondent party asserts that the matter is not a discoverable matter under the provisions of Section 11507.6, or is privileged against disclosure under those provisions, the administrative law judge may order lodged with it matters provided in subdivision (b) of Section 915 of the Evidence Code and examine the matters in accordance with its provisions.

(e) The administrative law judge shall decide the case on the matters examined in camera, the papers filed by the parties, and such oral argument and additional evidence as the administrative law judge may allow.

(f) Unless otherwise stipulated by the parties, the administrative law judge shall no later than 15 days after the hearing make its order denying or granting the motion. The order shall be in writing setting forth the matters the moving party is entitled to discover under Section 11507.6. A copy of the order shall forthwith be served by mail by the administrative law judge upon the parties. Where the order grants the motion in whole or in part, the order shall not become effective until 10 days after the date the order is served. Where the order denies relief to the moving party, the order shall be effective on the date it is served.

\*\*\*\*\*

**DECLARATION OF SERVICE BY CERTIFIED MAIL AND FIRST CLASS MAIL**

(Separate Mailings)

Case Name: **In the Matter of the Accusation Against: Lee's Auto Service; Sang Tok Yi**  
Bureau of Automotive Repair Case No.: **79/14-46**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On November 14, 2013, I served the attached **SUPPLEMENTAL STATEMENT TO RESPONDENT, FIRST AMENDED ACCUSATION, REQUEST FOR DISCOVERY, AND DISCOVERY STATUTES** by placing a true copy thereof enclosed in a sealed envelope as certified mail with return receipt requested, and another true copy of the **SUPPLEMENTAL STATEMENT TO RESPONDENT, FIRST AMENDED ACCUSATION, REQUEST FOR DISCOVERY, AND DISCOVERY STATUTES** was enclosed in a second sealed envelope as first class mail in the internal mail collection system at the Office of the Attorney General at 300 South Spring Street, Suite 1702, Los Angeles, CA 90013, addressed as follows:

Lee's Auto Service  
Sang Tok Yi  
2580 W. Venice Blvd., #1  
Los Angeles, CA 90019  
*Respondent*

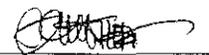
**CERTIFIED MAIL NO.**  
**7196 9008 9111 8918 6501**

Sang Tok Yi  
937 3rd Aveue  
Los Angeles, CA 90019  
*Respondent*

**CERTIFIED MAIL NO.**  
**7196 9008 9111 8918 6495**

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on November 14, 2013, at Los Angeles, California.

Corinia Talaro  
Declarant

  
Signature