

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

In the Matter of the Accusation Against:

**VERMONT AUTOMOBILE**  
**Robert Kisang Kwon, Owner**  
850 West Century Blvd.  
Los Angeles, CA 90044  
Automotive Repair Dealer Registration No.  
ARD 168791  
Brake Station License No. BS 168791  
Lamp Station License No. LS 168791  
Smog Check Station License No.  
RC 168791

and

**ROBERT KISANG KWON**  
1405 Stonewood Court  
San Pedro, CA 90732  
Brake Adjuster License No. BA 314760  
Lamp Adjuster License No. LA 314760  
Smog Check Inspector License No.  
EO 314760  
Smog Check Repair Technician License No.  
EI 314760 (formerly Advanced Emission  
Specialist Technician License No.  
EA 314760),

Respondent.

Case No. 77/14-27

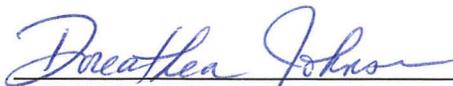
OAH No. 20140401109

**DECISION**

The attached Stipulated Settlement and Disciplinary 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 October 31, 2014.

DATED: October 7, 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 TERRENCE M. MASON  
Deputy Attorney General  
4 State Bar No. 158935  
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*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:

Case No. 77/14-27

12 **VERMONT AUTOMOBILE**  
13 **Robert Kisang Kwon, Owner**  
14 **850 West Century Blvd.**  
**Los Angeles, CA 90044**  
15 Automotive Repair Dealer Registration No. ARD  
16 168791.  
Brake Station License No. BS 168791  
17 Lamp Station License No. LS 168791  
Smog Check Station License No. RC 168791

OAH No. 20140401109

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

18 and

19 **ROBERT KISANG KWON**  
**1405 Stonewood Court**  
**San Pedro, CA 90732**  
20 Brake Adjuster License No. BA 314760  
21 Lamp Adjuster License No. LA 314760  
Smog Check Inspector License No. EO 314760  
22 Smog Check Repair Technician License No. EI  
314760 (formerly Advanced Emission Specialist  
23 Technician License No. EA 314760),

24 Respondent.

25  
26 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
27 entitled proceedings that the following matters are true:  
28

PARTIES

1  
2           1.     Patrick Dorais ("Complainant") is the Chief of the Bureau of Automotive Repair. He  
3 brought this action solely in his official capacity and is represented in this matter by Kamala D.  
4 Harris, Attorney General of the State of California, by Terrence M. Mason, Deputy Attorney  
5 General.

6           2.     Robert Kisang Kwon dba Vermont Automobile and Robert Kisang Kwon  
7 (individually) ("Respondent") is represented in this proceeding by attorney Jeffrey T. Osborn,  
8 whose address is: Osborn & Plasse, 16152 Beach Blvd., Suite 250, Huntington Beach, CA 92647.

9                   **Vermont Automobile- Registration and Station Licenses**

10           3.     On a date unknown in 1992, the Bureau issued Automotive Repair Dealer  
11 Registration Number ARD 168791 ("Registration") to Respondent Robert Kisang Kwon dba  
12 Vermont Automobile. The Automotive Repair Dealer Registration was in effect at all times  
13 relevant to the charges brought herein and will expire on September 30, 2015, unless renewed.

14           4.     On or about November 9, 1992, the Bureau issued Lamp Station License Number LS  
15 168791, class A, to Respondent Robert Kisang Kwon dba Vermont Automobile. The Lamp  
16 Station License was in effect at all times relevant to the charges brought herein and will expire on  
17 September 30, 2014, unless renewed.

18           5.     On or about November 9, 1992, the Bureau issued Brake Station License No. BS  
19 168791, class C, to Respondent Robert Kisang Kwon dba Vermont Automobile. The Brake  
20 Station License was in effect at all times relevant to the charges brought herein and will expire on  
21 September 30, 2014, unless renewed.

22           5.     On or about November 9, 1992, the Bureau issued Smog Check Station License  
23 Number RC 168791 to Respondent Robert Kisang Kwon dba Vermont Automobile. The Smog  
24 Check Station License was in effect at all times relevant to the charges brought herein and will  
25 expire on September 30, 2015, unless renewed.

26                   **Robert Kisang Kwon- Brake and Lamp Adjuster Licenses and Smog Check Licenses**

27           6.     On a date unknown in 1988, the Bureau issued Brake Adjuster License No. BA  
28 314760, class C, to Respondent Robert Kisang Kwon. The Brake Adjuster License was in effect

1 at all times relevant to the charges brought herein and will expire on September 30, 2014, unless  
2 renewed.

3 7. On a date unknown in 1988, the Bureau issued Lamp Adjuster License No. LA  
4 314760, class A, to Respondent Robert Kisang Kwon. The Lamp Adjuster License was in effect  
5 at all times relevant to the charges brought herein. The Lamp Adjuster License expired on  
6 September 30, 2013, and has not been renewed.

7 8. On a date unknown in 1997, the Bureau issued Advanced Emission Specialist  
8 Technician License No. EA 314760 to Respondent Robert Kisang Kwon. The Advanced  
9 Emission Specialist Technician License was in effect at all times relevant to the charges brought  
10 herein and was due to expire on September 30, 2013, however it was cancelled on July 10, 2013.

11 a. Pursuant to Cal. Code Regs., title 16, section 3340.28, subdivision (e), the Advanced  
12 Emission Specialist Technician License was renewed as Smog Check Inspector License No. EO  
13 314760 and Smog Check Repair Technician License No. EI 314760, effective July 10, 2013, and  
14 said licenses will expire on September 30, 2015, unless renewed.<sup>1</sup>

#### 15 JURISDICTION

16 9. Accusation No. 77/14-27 was filed before the Director of Consumer Affairs  
17 ("Director"), for the Bureau of Automotive Repair ("Bureau"), and is currently pending against  
18 Respondent. The Accusation and all other statutorily required documents were properly served  
19 on Respondent on December 20, 2013. Respondent timely filed his Notice of Defense contesting  
20 the Accusation.

21 10. A copy of Accusation No. 77/14-27 is attached as hereto Exhibit A and incorporated  
22 herein by reference.

#### 23 ADVISEMENT AND WAIVERS

24 11. Respondent has carefully read, fully discussed with counsel, and understands the  
25 charges and allegations in Accusation No. 77/14-27. Respondent has also carefully read, fully

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

1 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary  
2 Order.

3 12. Respondent is fully aware of his legal rights in this matter, including the right to a  
4 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at  
5 his own expense; the right to confront and cross-examine the witnesses against him; the right to  
6 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel  
7 the attendance of witnesses and the production of documents; the right to reconsideration and  
8 court review of an adverse decision; and all other rights accorded by the California  
9 Administrative Procedure Act and other applicable laws.

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

#### 12 CULPABILITY

13 14. Respondent admits the truth of each and every charge and allegation in Accusation  
14 No. 77/14-27.

15 15. Respondent agrees that the following registration/ licenses are subject to discipline:  
16 his Automotive Repair Dealer Registration, Brake Station License, Lamp Station License, Brake  
17 Adjuster License, and Lamp Adjuster License. Respondent agrees to be bound by the Director's  
18 probationary terms as set forth in the Disciplinary Order below.

#### 19 RESERVATION

20 16. Any admissions made by Respondent herein are made solely for the purpose of  
21 resolving the charges in the Accusation and except as provided in this stipulation, may not be  
22 used in any other legal proceedings or actions and shall not constitute admissions for any other  
23 purpose or proceedings to which the Bureau of Automotive Repair is not a party.

#### 24 CONTINGENCY

25 17. This stipulation shall be subject to approval by the Director of Consumer Affairs or  
26 the Director's designee. Respondent understands and agrees that counsel for Complainant and the  
27 staff of the Bureau of Automotive Repair may communicate directly with the Director and staff of  
28 the Department of Consumer Affairs regarding this stipulation and settlement, without notice to

1 or participation by Respondent or his counsel. By signing the stipulation, Respondent  
2 understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation  
3 prior to the time the Director considers and acts upon it. If the Director fails to adopt this  
4 stipulation as the Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of  
5 no force or effect, except for this paragraph, it shall be inadmissible in any legal action between  
6 the parties, and the Director shall not be disqualified from further action by having considered  
7 this matter.

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

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

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

20 **DISCIPLINARY ORDER**

21 IT IS HEREBY ORDERED that Automotive Repair Dealer Registration No. ARD 168791,  
22 Brake Station License No. BS 168791, and Lamp Station License No. LS 168791, issued to  
23 Robert Kisang Kwon dba Vermont Automobile, as well as Brake Adjuster License No. BA  
24 314760 and Lamp Adjuster License No. LA 314760, issued to Respondent Robert Kisang Kwon  
25 (individually) are all revoked. However, the revocation of Automotive Repair Dealer  
26 Registration No. ARD 168791 is stayed and Respondent is placed on probation for three (3) years  
27 on the following terms and conditions:

28 1. **Actual Suspension.** Automotive Repair Dealer Registration No. ARD 168791 issued

1 to Respondent Robert Kisang Kwon is suspended for fifteen (15) consecutive days, to begin on  
2 the effective date of the Director's Decision.

3 2. **Obey All Laws.** Comply with all statutes, regulations and rules governing  
4 automotive inspections, estimates and repairs.

5 3. **Post Sign.** Post a prominent sign, provided by the Bureau, indicating the beginning  
6 and ending dates of the suspension and indicating the reason for the suspension. The sign shall be  
7 conspicuously displayed in a location open to and frequented by customers and shall remain  
8 posted during the entire period of actual suspension.

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

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

17 6. **Random Inspections.** Provide Bureau representatives unrestricted access to inspect  
18 all vehicles (including parts) undergoing repairs, up to and including the point of completion.

19 7. **Jurisdiction.** If an accusation is filed against Respondent during the term of  
20 probation, the Director of Consumer Affairs shall have continuing jurisdiction over this matter  
21 until the final decision on the accusation, and the period of probation shall be extended until such  
22 decision.

23 8. **Violation of Probation.** Should the Director of Consumer Affairs determine that  
24 Respondent has failed to comply with the terms and conditions of probation, the Department may,  
25 after giving notice and opportunity to be heard temporarily or permanently invalidate the  
26 registration.

27 9. **Cost Recovery.** Respondent agrees to reimburse the Bureau's costs of investigation  
28 and prosecution of Accusation No. 77/14-27 in the amount of \$15,000.00. Payment to the Bureau

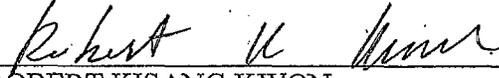
1 of the full amount of cost recovery may be paid by Respondent in twenty four (24) consecutive,  
2 equal installments with the final payment due twelve (12) months before the termination of  
3 probation. Failure to complete payment of cost recovery within this time frame shall constitute a  
4 violation of probation which may subject Respondent's registration to outright revocation;  
5 however, the Director or the Director's Bureau of Automotive Repair designee may elect to  
6 continue probation until such time as reimbursement of the entire cost recovery amount has been  
7 made to the Bureau.

8 ACCEPTANCE

9 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
10 discussed it with my attorney, Jeffrey T. Osborn. I understand the stipulation and the effect it will  
11 have on my Automotive Repair Dealer Registration, Brake Station License, Lamp Station  
12 License, Brake Adjuster License, and Lamp Adjuster License. I enter into this Stipulated  
13 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be  
14 bound by the Decision and Order of the Director of Consumer Affairs.

15  
16 DATED:

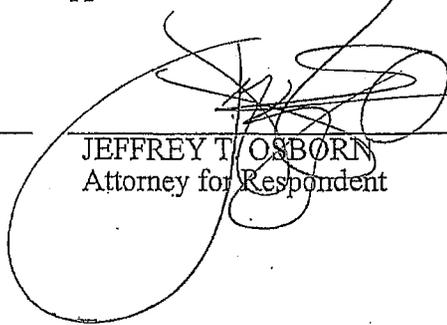
9/3/14

  
ROBERT KISANG KWON  
Owner, VERMONT AUTOMOBILE  
Respondent

17  
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19  
20 I have read and fully discussed with Respondent Robert Kisang Kwon, owner of Vermont  
21 Automobile, the terms and conditions and other matters contained in the above Stipulated  
22 Settlement and Disciplinary Order. I approve its form and content.

23  
24 DATED:

9/3/14

  
JEFFREY T. OSBORN  
Attorney for Respondent

25  
26  
27 ///

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Director of Consumer Affairs

DATED: Sept. 9, 2014

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
Gregory J. Salute  
Supervising Deputy Attorney General



TERRENCE M. MASON  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 77/14-27**

1 KAMALA D. HARRIS  
Attorney General of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
3 TERRENCE M. MASON  
Deputy Attorney General  
4 State Bar No. 158935  
300 S. Spring Street  
5 Los Angeles, CA 90013  
Telephone: (213) 897-6294  
6 Facsimile: (213) 897-2804  
*Attorneys for Petitioner*  
7

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

10 In the Matter of the Accusation Against:

11 **VERMONT AUTOMOBILE**  
12 **Robert Kisang Kwon, Owner**  
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Los Angeles, CA 90044  
13 Automotive Repair Dealer Registration No. ARD 168791  
Brake Station License No. BS 168791  
14 Lamp Station License No. LS 168791  
Smog Check Station License No. RC 168791

15 and

16 **ROBERT KISANG KWON**  
17 1405 Stonewood Court  
San Pedro, CA 90732  
18 Brake Adjuster License No. BA 314760  
Lamp Adjuster License No. LA 314760  
19 Smog Check Inspector License No. EO 314760  
Smog Check Repair Technician License No. EI 314760  
20 (formerly Advanced Emission Specialist Technician  
License No. EA 314760);  
21

Respondents.

OAH Case No.

BAR Case No. 77/14-27

**ACCUSATION**

22  
23 Complainant alleges:

24 PARTIES

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

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**Vermont Automobile- Registration and Station Licenses**

2. On a date unknown in 1992, the Bureau issued Automotive Repair Dealer Registration Number ARD 168791 (“Registration”) to Respondent Vermont Automobile (“Respondent Vermont”), Robert Kisang Kwon, Owner. The Automotive Repair Dealer Registration was in effect at all times relevant to the charges brought herein and will expire on September 30, 2014, unless renewed.

3. On or about November 9, 1992, the Bureau issued Lamp Station License Number LS 168791, class A, to Respondent Vermont. The Lamp Station License was in effect at all times relevant to the charges brought herein and will expire on September 30, 2014, unless renewed.

4. On or about November 9, 1992, the Bureau issued Brake Station License No. BS 168791, class C, to Respondent Vermont. The Brake Station License was in effect at all times relevant to the charges brought herein and will expire on September 30, 2014, unless renewed.

5. On or about November 9, 1992, the Bureau issued Smog Check Station License Number RC 168791 to Respondent Vermont. The Smog Check Station License was in effect at all times relevant to the charges brought herein and will expire on September 30, 2014, unless renewed.

**Robert Kisang Kwon- Brake and Lamp Adjuster Licenses**

6. On a date unknown in 1988, the Bureau issued Brake Adjuster License No. BA 314760, class C, to Respondent Robert Kisang Kwon (“Respondent Kwon”). The Brake Adjuster License was in effect at all times relevant to the charges brought herein and will expire on September 30, 2014, unless renewed.

7. On a date unknown in 1988, the Bureau issued Lamp Adjuster License No. LA 314760, class A, to Respondent Kwon. The Lamp Adjuster License was in effect at all times relevant to the charges brought herein. It was cancelled on December 1, 2013, and has not been renewed.

8. On a date unknown in 1997, the Bureau issued Advanced Emission Specialist Technician License No. EA 314760 to Respondent Kwon. The Advanced Emission Specialist

1 Technician License was in effect at all times relevant to the charges brought herein and was due  
2 to expire on September 30, 2013, however it was cancelled on July 10, 2013.

3 a. Pursuant to Cal. Code Regs., title 16, section 3340.28, subdivision (e), the Advanced  
4 Emission Specialist Technician License was renewed as Smog Check Inspector License No. EO  
5 314760 and Smog Check Repair Technician License No. EI 314760, effective July 10, 2013, and  
6 said licenses will expire on September 30, 2015, unless renewed.<sup>1</sup>

### 7 STATUTORY PROVISIONS

8 9. Section 9884.7 of the Business and Professions Code ("Code") states, in pertinent  
9 part:

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

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

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

21 (4) Any other conduct that constitutes fraud.

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

24 (b) Except as provided for in subdivision (c), if an automotive repair dealer operates  
25 more than one place of business in this state, the director pursuant to subdivision (a) shall  
26 only suspend, revoke, or place on probation the registration of the specific place of business  
27 which has violated any of the provisions of this chapter. This violation, or action by the  
28 director, shall not affect in any manner the right of the automotive repair dealer to operate  
his or her other places of business.

(c) Notwithstanding subdivision (b), the director may suspend, revoke, or place on  
probation the registration for all places of business operated in this state by an automotive

<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  
Check Inspector (EO) license and/or Smog Check Repair Technician (EI) license.

1 repair dealer upon a finding that the automotive repair dealer has, or is, engaged in a course  
2 of repeated and willful violations of this chapter, or regulations adopted pursuant to it.

3 10. Code section 118, subdivision (b) states:

4 The suspension, expiration, or forfeiture by operation of law of a license issued by a  
5 board in the department, or its suspension, forfeiture, or cancellation by order of the board  
6 or by order of a court of law, or its surrender without the written consent of the board, shall  
7 not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive  
8 the board of its authority to institute or continue a disciplinary proceeding against the  
9 licensee upon any ground provided by law or to enter an order suspending or revoking the  
10 license or otherwise taking disciplinary action against the licensee on any such ground.

11 11. Code section 9884.9 states, in pertinent part:

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

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

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

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

\_\_\_\_\_  
(signature or initials)"

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

1           13. Code section 477 provides, in pertinent part, that "Board" includes "bureau,"  
2 "commission," "committee," "department," "division," "examining committee," "program," and  
3 "agency." "License" includes certificate, registration or other means to engage in a business or  
4 profession regulated by the Code.

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

8           15. Code section 9889.7 provides, in pertinent part, that the expiration or suspension of a  
9 license by operation of law or by order or decision of the Director or a court of law, or the  
10 voluntary surrender of a license shall not deprive the Director of jurisdiction to proceed with any  
11 disciplinary proceedings.

12           16. Code section 9889.3 states, in pertinent part:

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

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

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

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

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

23           17. Code section 9887.1 states, in pertinent part:

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

          18. Code section 9888.3 states:

1 No person shall operate an "official" lamp or brake adjusting station unless a license  
2 therefor has been issued by the director. No person shall issue, or cause or permit to be  
3 issued, any certificate purporting to be an official lamp adjustment certificate unless he or  
4 she is a licensed lamp adjuster or an official brake adjustment certificate unless he or she is  
5 a licensed brake adjuster.

6 19. Code section 9889.9 states that "[w]hen any license has been revoked or suspended  
7 following a hearing under the provisions of this article [Article 7 (commencing with section  
8 9889.1) of the Automotive Repair Act], any additional license issued under Articles 5 and 6 of  
9 this chapter in the name of the licensee may be likewise revoked or suspended by the director."

#### 10 COST RECOVERY

11 20. 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 **FIRST UNDERCOVER OPERATION – APRIL 11, 2013**

16 21. On or about April 11, 2013, a Bureau undercover operator drove a Bureau-  
17 documented 1997 GMC to Respondent Vermont's facility and requested brake and lamp  
18 inspections. The vehicle was unable to pass the brake inspection because the right and left rear  
19 brake drums were oversized. Further, the vehicle could not pass the lamp inspection because the  
20 right headlight was out of adjustment and the license plate lights were out. The operator signed  
21 an invoice/estimate but was not provided with a copy of that document prior to the inspections.

22 22. Respondent Kwon asked the operator to turn on the headlights and to step on the  
23 brake. Kwon then got in the vehicle and drove the vehicle off of the premises, returning  
24 approximately two minutes later. Kwon completed the invoice by writing down "BRAKE  
25 INSPECTION" and "LAMP" in the description side of the invoice. He then asked the operator to  
26 sign the invoice. The wheels were never removed from the vehicle and Respondent Kwon never  
27 made any attempt to visually inspect the brakes or measure the rear brake drums. He also never  
28 used any lamp aiming/measuring equipment on the vehicle, and did not mention the license plate  
lamps were inoperative. Respondent signed the brake and lamp certificates under penalty of  
perjury. The operator paid him \$60.00 in cash and received the pink and the goldenrod colored

1 copies of the invoice, Certificate of Brake Adjustment No. [REDACTED] and Certificate of Lamp  
2 Adjustment No. [REDACTED] certifying that both the brake and lamp systems were in satisfactory  
3 condition.

4 **FIRST CAUSE FOR DISCIPLINE**

5 **(Misleading Statements)**

6 23. Respondent Vermont has subjected its registration to discipline under Code section  
7 9884.7, subdivision (a)(1), in that on or about April 11, 2013, regarding the 1997 GMC, it made  
8 statements which it knew or which by exercise of reasonable care it should have known were  
9 untrue or misleading, as follows:

10 a. Respondent Vermont issued Brake Certificate No. [REDACTED] certifying that the  
11 brake system on that vehicle was in satisfactory condition when, in fact, the right and left rear  
12 brake drums were oversized.

13 b. Respondent Vermont issued Lamp Certificate No. [REDACTED] certifying that the  
14 lamp system was in satisfactory condition when, in fact, the right headlight was out of adjustment  
15 and the license plate lights were inoperable.

16 **SECOND CAUSE FOR DISCIPLINE**

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

18 24. Respondent Vermont has subjected its registration to discipline under Code section  
19 9884.7, subdivision (a)(3), in that on or about April 11, 2013, Respondent failed to provide the  
20 operator with a copy of the work order as soon as he signed the document.

21 **THIRD CAUSE FOR DISCIPLINE**

22 **(Fraud)**

23 25. Respondent Vermont has subjected its registration to discipline under Code section  
24 9884.7, subdivision (a)(4), in that on or about April 11, 2013, regarding the 1997 GMC, it  
25 received \$60 for certificates of compliance that should not have been issued, constituting acts  
26 involving fraud, as follows:

1 a. Respondent Vermont issued Brake Certificate No. [REDACTED], certifying that the  
2 brake system on that vehicle was in satisfactory condition when, in fact, the right and left rear  
3 brake drums were oversized.

4 b. Respondent Vermont issued Lamp Certificate No. [REDACTED], certifying that the  
5 lamp system was in satisfactory condition when, in fact, the right headlight was out of adjustment  
6 and the license plate lights were inoperable.

7 **FOURTH CAUSE FOR DISCIPLINE**

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

9 26. Respondent Vermont has subjected its registration to discipline under Code section  
10 9884.7, subdivision (a)(6), in that on or about April 11, 2013, it failed to comply with section  
11 9884.9, subdivision (a) of that Code by failing to provide the operator with a written estimated  
12 price for a specific job prior to commencement of the inspections.

13 **FIFTH CAUSE FOR DISCIPLINE**

14 **(Violations of Regulations)**

15 27. Respondent Vermont's registration is subject to discipline under Code section 9884.7,  
16 subdivision (a)(6), in that on or about April 11, 2013, Respondent Vermont failed to comply with  
17 provisions of California Code of Regulations, title 16, in the following material respects:

18 a. Section 3305, subdivision (a): Respondent Vermont failed to perform the inspection  
19 of the brake system and inspection and adjustment of the lighting system on the Bureau's 1997  
20 GMC in accordance with the specifications, instructions, and directives issued by the Bureau and  
21 the vehicle manufacturer.

22 b. Section 3316, subdivision (d)(2): Respondent Vermont issued Lamp Certificate No.  
23 [REDACTED] as to the Bureau's 1997 GMC when the right headlight was out of adjustment and the  
24 license plate lights were inoperable, and not in compliance with Bureau regulations.

25 c. Section 3321, subdivision (c)(2): Respondent Vermont issued Brake Certificate No.  
26 [REDACTED] as to the Bureau's 1997 GMC when the brake system on the vehicle had not been  
27 properly/ completely tested or inspected.

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1 **SIXTH CAUSE FOR DISCIPLINE**

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

3 28. Respondent Vermont's brake and lamp station licenses are subject to discipline under  
4 Code section 9889.3, subdivision (c), in that Respondent failed to comply with the provisions of  
5 California Code of Regulations, title 16, sections 3305, subdivision (a), 3316, subdivision (d)(2),  
6 and 3321, subdivision (c)(2), as set forth in paragraph 27, above.

7 **SEVENTH CAUSE FOR DISCIPLINE**

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

9 29. Respondent Vermont's brake and lamp station licenses are subject to discipline under  
10 Code section 9889.3, subdivision (d), in that Respondent committed acts involving dishonesty,  
11 fraud, or deceit whereby another was injured, in that Respondent issued brake and lamp  
12 certificates of adjustment without performing bona fide inspections of those systems, thereby  
13 depriving the People of the State of California of the protections afforded by the Bureau's  
14 regulations.

15 **EIGHTH CAUSE FOR DISCIPLINE**

16 **(Violations of Regulations)**

17 30. Respondent Kwon's brake and lamp adjuster licenses are subject to discipline under  
18 Code section 9889.3, subdivision (c), in that on or about April 11, 2013, he failed to comply with  
19 the provisions of California Code of Regulations, title 16, sections 3305, subdivision (a), 3316,  
20 subdivision (d)(2), and 3321, subdivision (c)(2), as set forth in paragraph 27, above.

21 **NINTH CAUSE FOR DISCIPLINE**

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

23 31. Respondent Kwon's brake and lamp adjuster licenses are subject to discipline under  
24 Code section 9889.3, subdivision (d), in that on or about April 11, 2013, he committed acts  
25 involving dishonesty, fraud, or deceit whereby another was injured, in that Respondent issued  
26 brake and lamp certificates of adjustment without performing bona fide inspections of those  
27 systems, thereby depriving the People of the State of California of the protections afforded by the  
28 Bureau's regulations.



1 a. Respondent Vermont issued Brake Certificate No. [REDACTED] certifying that the  
2 brake system on that vehicle was in satisfactory condition when, in fact, the right and left rear  
3 brake drums were oversized.

4 b. Respondent Vermont issued Lamp Certificate No. [REDACTED] certifying that the  
5 lamp system was in satisfactory condition when, in fact, the left headlight was out of adjustment  
6 and the license plate lights were inoperable.

7 **ELEVENTH CAUSE FOR DISCIPLINE**

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

9 35. Respondent Vermont has subjected its registration to discipline under Code section  
10 9884.7, subdivision (a)(3), in that on or about May 22, 2013, Respondent failed to provide the  
11 operator with a copy of the work order as soon as he signed the document.

12 **TWELFTH CAUSE FOR DISCIPLINE**

13 **(Fraud)**

14 36. Respondent Vermont has subjected its registration to discipline under Code section  
15 9884.7, subdivision (a)(4), in that on or about May 22, 2013, regarding the 2000 Chevrolet, it  
16 received \$60 for certificates of compliance that should not have been issued, constituting acts  
17 involving fraud, as follows:

18 a. Respondent Vermont issued Brake Certificate No. [REDACTED] certifying that the  
19 brake system on that vehicle was in satisfactory condition when, in fact, the right and left rear  
20 brake drums were oversized.

21 b. Respondent Vermont issued Lamp Certificate No. [REDACTED] certifying that the  
22 lamp system was in satisfactory condition when, in fact, the left headlight was out of adjustment  
23 and the license plate lights were inoperable.

24 **THIRTEENTH CAUSE FOR DISCIPLINE**

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

26 37. Respondent Vermont has subjected its registration to discipline under Code section  
27 9884.7, subdivision (a)(6), in that on or about May 22, 2013, it failed to comply with section  
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1 9884.9, subdivision (a) of that Code by failing to provide the operator with a written estimated  
2 price for a specific job prior to commencement of the alleged inspections.

3 **FOURTEENTH CAUSE FOR DISCIPLINE**

4 **(Violations of Regulations)**

5 38. Respondent Vermont's registration is subject to discipline under Code section 9884.7,  
6 subdivision (a)(6), in that on or about May 22, 2013, Respondent Vermont failed to comply with  
7 provisions of California Code of Regulations, title 16, in the following material respects:

8 a. Section 3305, subdivision (a): Respondent Vermont failed to perform the inspection  
9 of the brake system and inspection and adjustment of the lighting system on the Bureau's 2000  
10 Chevrolet in accordance with the specifications, instructions, and directives issued by the Bureau  
11 and the vehicle manufacturer.

12 b. Section 3316, subdivision (d)(2): Respondent Vermont issued Lamp Certificate No.  
13 [REDACTED] as to the Bureau's 2000 Chevrolet when the left headlight was out of adjustment and  
14 the license plate lights were inoperable, and not in compliance with Bureau regulations.

15 c. Section 3321, subdivision (c)(2): Respondent Vermont issued Brake Certificate No.  
16 [REDACTED] as to the Bureau's 2000 Chevrolet when the brake system on the vehicle had not  
17 been properly/ completely tested or inspected.

18 **FIFTEENTH CAUSE FOR DISCIPLINE**

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

20 39. Respondent Vermont's brake and lamp station licenses are subject to discipline under  
21 Code section 9889.3, subdivision (c), in that in that on or about May 22, 2013, Respondent failed  
22 to comply with the provisions of California Code of Regulations, title 16, sections 3305,  
23 subdivision (a), 3316, subdivision (d)(2), and 3321, subdivision (c)(2), as set forth in paragraph  
24 38, above.

25 **SIXTEENTH CAUSE FOR DISCIPLINE**

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

27 40. Respondent Vermont's brake and lamp station licenses are subject to discipline under  
28 Code section 9889.3, subdivision (d), in that in that on or about May 22, 2013, Respondent

1 committed acts involving dishonesty, fraud, or deceit whereby another was injured, in that  
2 Respondent issued brake and lamp certificates of adjustment without performing bona fide  
3 inspections of those systems, thereby depriving the People of the State of California of the  
4 protections afforded by the Bureau's regulations.

5 **SEVENTEENTH CAUSE FOR DISCIPLINE**

6 **(Violations of Regulations)**

7 41. Respondent Kwon's brake and lamp adjuster licenses are subject to discipline under  
8 Code section 9889.3, subdivision (c), in that on or about May 22, 2013, he failed to comply with  
9 the provisions of California Code of Regulations, title 16, sections 3305, subdivision (a), 3316,  
10 subdivision (d)(2), and 3321, subdivision (c)(2), as set forth in paragraph 38, above.

11 **EIGHTEENTH CAUSE FOR DISCIPLINE**

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

13 42. Respondent Kwon's brake and lamp adjuster licenses are subject to discipline under  
14 Code section 9889.3, subdivision (d), in that on or about May 22, 2013, he committed acts  
15 involving dishonesty, fraud, or deceit whereby another was injured, in that Respondent issued  
16 brake and lamp certificates of adjustment without performing bona fide inspections of those  
17 systems, thereby depriving the People of the State of California of the protections afforded by the  
18 Bureau's regulations.

19 **THIRD UNDERCOVER OPERATION – JULY 25, 2013**

20 43. On or about July 25, 2013, a Bureau undercover operator drove a Bureau-documented  
21 2000 Toyota to Respondent Vermont's facility and requested brake and lamp inspections. The  
22 vehicle was unable to pass the brake inspection because the right and left rear brake drums were  
23 oversized. Further, the vehicle could not pass the lamp inspection because the left headlight was  
24 out of adjustment. The operator parked the vehicle in front of the middle of three service bays  
25 and was approached by an employee. The operator requested brake and lamp inspections. The  
26 employee instructed the operator to write his information on a blank repair order and sign it. The  
27 operator filled out the repair order, using a fictitious name and address, and signed it. The  
28 employee took the repair order and wrote in the vehicle information, including writing "BRAKE  
CERTIFICATION" and "LAMP CERTIFICATION" in the description section of the invoice.

1 He did not give a copy of the estimate to the operator. The employee and a second employee  
2 checked the truck's lights. The first employee turned on the lights and walked around the vehicle,  
3 but did not use any lamp adjusting/measuring equipment. The vehicle was not road tested, and  
4 never moved from the parking spot that the operator parked it in. The wheels were never

5 44. The operator was then instructed by the first employee to enter the office area of the  
6 facility where he encountered Respondent Robert Kisang Kwon. Respondent Kwon signed a  
7 Brake Certificate of Adjustment [REDACTED] and a Lamp Certificate of Adjustment  
8 [REDACTED]. Kwon completed the invoice by writing the price of \$50.00 and the operator paid  
9 him \$50.00. Kwon did not do any inspection of the truck. He never left the office, and signed the  
10 certificates under penalty of perjury as if he had performed the inspections. The operator was  
11 handed the pink and the goldenrod colored copies of the repair invoice, and the completed brake  
and lamp certificates.

12 **NINETEENTH CAUSE FOR DISCIPLINE**

13 **(Misleading Statements)**

14 45. Respondent Vermont has subjected its registration to discipline under Code section  
15 9884.7, subdivision (a)(1), in that on or about July 25, 2013, regarding the 2000 Toyota, it made  
16 statements which it knew or which by exercise of reasonable care it should have known were  
untrue or misleading, as follows:

17 a. Respondent Vermont issued Brake Certificate [REDACTED], certifying that the  
18 brake system on that vehicle was in satisfactory condition when, in fact, the right and left rear  
19 brake drums were oversized.

20 b. Respondent Vermont issued Lamp Certificate [REDACTED], certifying that the  
21 lamp system was in satisfactory condition when, in fact, the left headlight was out of adjustment.

22 **TWENTIETH CAUSE FOR DISCIPLINE**

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

24 46. Respondent Vermont has subjected its registration to discipline under Code section  
25 9884.7, subdivision (a)(3), in that on or about July 25, 2013, Respondent failed to provide the  
operator with a copy of the work order as soon as he signed the document.

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**TWENTY-FIRST CAUSE FOR DISCIPLINE**

**(Fraud)**

47. Respondent Vermont has subjected its registration to discipline under Code section 9884.7, subdivision (a)(4), in that on or about July 25, 2013, regarding the 2000 Toyota, it received \$50 for certificates of compliance that should not have been issued, constituting acts involving fraud, as follows:

a. Respondent Vermont issued Brake Certificate No. [REDACTED] certifying that the brake system on that vehicle was in satisfactory condition when, in fact, the right and left rear brake drums were oversized.

b. Respondent Vermont issued Lamp Certificate No. [REDACTED] certifying that the lamp system was in satisfactory condition when, in fact, the left headlight was out of adjustment.

**TWENTY-SECOND CAUSE FOR DISCIPLINE**

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

48. Respondent Vermont has subjected its registration to discipline under Code section 9884.7, subdivision (a)(6), in that on or about July 25, 2013, it failed to comply with section 9884.9, subdivision (a) of that Code by failing to provide the operator with a written estimated price for a specific job prior to commencement of the alleged inspections.

**TWENTY-THIRD CAUSE FOR DISCIPLINE**

**(Violations of Regulations)**

49. Respondent Vermont's registration is subject to discipline under Code section 9884.7, subdivision (a)(6), in that on or about July 25, 2013, Respondent Vermont failed to comply with provisions of California Code of Regulations, title 16, in the following material respects:

a. Section 3305, subdivision (a): Respondent Vermont failed to perform the inspection of the brake system and inspection and adjustment of the lighting system on the Bureau's 2000 Toyota in accordance with the specifications, instructions, and directives issued by the Bureau and the vehicle manufacturer.

b. Section 3316, subdivision (d)(2): Respondent Vermont issued Lamp Certificate No. [REDACTED] as to the Bureau's 2000 Toyota when the left headlight was out of adjustment and not in compliance with Bureau regulations.

1 c. Section 3321, subdivision (c)(2): Respondent Vermont issued Brake Certificate No.  
2 [REDACTED] as to the Bureau's 2000 Toyota when the brake system on the vehicle had not been  
3 properly/ completely tested or inspected.

4 **TWENTY-FOURTH CAUSE FOR DISCIPLINE**

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

6 50. Respondent Vermont's brake and lamp station licenses are subject to discipline under  
7 Code section 9889.3, subdivision (c), in that in that on or about July 25, 2013, Respondent failed  
8 to comply with the provisions of California Code of Regulations, title 16, sections 3305,  
9 subdivision (a), 3316, subdivision (d)(2), and 3321, subdivision (c)(2), as set forth in paragraph  
10 49, above.

11 **TWENTY-FIFTH CAUSE FOR DISCIPLINE**

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

13 51. Respondent Vermont's brake and lamp station licenses are subject to discipline under  
14 Code section 9889.3, subdivision (d), in that in that on or about July 25, 2013, Respondent  
15 committed acts involving dishonesty, fraud, or deceit whereby another was injured, in that  
16 Respondent issued brake and lamp certificates of adjustment without performing bona fide  
17 inspections of those systems, thereby depriving the People of the State of California of the  
18 protections afforded by the Bureau's regulations.

19 **TWENTY-SIXTH CAUSE FOR DISCIPLINE**

20 **(Violations of Regulations)**

21 52. Respondent Kwon's brake and lamp adjuster licenses are subject to discipline under  
22 Code section 9889.3, subdivision (c), in that on or about July 25, 2013, he failed to comply with  
23 the provisions of California Code of Regulations, title 16, sections 3305, subdivision (a), 3316,  
24 subdivision (d)(2), and 3321, subdivision (c)(2), as set forth in paragraph 49, above.

25 **TWENTY-SEVENTH CAUSE FOR DISCIPLINE**

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

27 53. Respondent Kwon's brake and lamp adjuster licenses are subject to discipline under  
28 Code section 9889.3, subdivision (d), in that on or about July 25, 2013, he committed acts  
involving dishonesty, fraud, or deceit whereby another was injured, in that Respondent issued  
brake and lamp certificates of adjustment under penalty of perjury without performing any bona  
fide inspections of those systems, thereby depriving the People of the State of California of the  
protections afforded by the Bureau's regulations.

**OTHER MATTERS**

1           54. Pursuant to Code section 9884.7, subdivision (c), the Director may suspend, revoke or  
2 place on probation the registration for all places of business operated in this state by Respondent  
3 Vermont Automobile, upon a finding that Respondent has, or is, engaged in a course of repeated  
4 and willful violations of the laws and regulations pertaining to an automotive repair dealer.

5           55. Pursuant to Code section 9889.9, if Lamp Station License Number LS 168791, Class  
6 A, issued to Respondent Vermont Automobile is revoked or suspended, any additional license  
7 issued under Articles 5 and 6 of Chapter 20.3 of Code in the name of said licensee may be  
8 likewise revoked or suspended by the Director.

9           55. Pursuant to Code section 9889.9, if Brake Station License Number BS 168791, Class  
10 C, issued to Respondent Vermont Automobile, is revoked or suspended, any additional license  
11 issued under Articles 5 and 6 of Chapter 20.3 of that Code in the name of said licensee may be  
12 likewise revoked or suspended by the Director

13           56. Pursuant to Code section 9889.9, if Brake Adjuster License Number BA 314760,  
14 Class C, issued to Respondent Robert Kisang Kwon, is revoked or suspended, any additional  
15 license issued under Articles 5 and 6 of Chapter 20.3 of that Code in the name of said licensee  
16 may be likewise revoked or suspended by the Director.

17           57. Pursuant to Code section 9889.9, if Lamp Adjuster License Number LA 314760,  
18 Class A, issued to Respondent Robert Kisang Kwon, is revoked or suspended, any additional  
19 license issued under Articles 5 and 6 of Chapter 20.3 of that Code in the name of said licensee  
20 may be likewise revoked or suspended by the Director.

**PRAYER**

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

23           1. Revoking, suspending, or placing on probation Automotive Repair Dealer  
24 Registration Number ARD 168791, issued to Vermont Automobile;

25           2. Revoking, suspending, or placing on probation any other automotive repair dealer  
26 registration issued to Vermont Automobile;

27           3. Revoking or suspending Lamp Station License Number LS 168791, Class A, issued  
28 to Vermont Automobile;

1           4.     Revoking or suspending Brake Station License Number BS 168791, Class C,  
2 issued to Vermont Automobile;

3           5.     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 Vermont Automobile;

5           6.     Revoking or suspending Lamp Adjuster License Number LA 314760, Class A,  
6 issued to Robert Kisang Kwon;

7           7.     Revoking or suspending Brake Adjuster License Number BA 314760, Class C,  
8 issued to Robert Kisang Kwon;

9           8.     Revoking or suspending any additional license issued under Articles 5 and 6 of  
10 Chapter 20.3 of the Business and Professions Code in the name of Robert Kisang Kwon;

11           9.     Ordering Vermont Automobile and Robert Kisang Kwon to pay the Bureau of  
12 Automotive Repair the reasonable costs of the investigation and enforcement of this case,  
13 pursuant to Business and Professions Code section 125.3; and,

14           10.    Taking such other and further action as deemed necessary and proper.

15  
16 Dated:

December 17, 2013

Patrick Dorais

PATRICK DORAIS

Chief

Bureau of Automotive Repair

Department of Consumer Affairs

State of California

*Complainant*