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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. *79/14-46*

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

ACCUSATION
Smog Check

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

17 **and**

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

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

24 Respondents.

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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 311547.¹

26 ¹ 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.

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17. 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.

....

(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 . . .

18. 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.

19. BPC Code section 9889.22 states:

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

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

COST RECOVERY

21. BPC Code section 125.3 provides, in pertinent part, that a Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case.

3 **UNDERCOVER OPERATION #1: 2000 TOYOTA**

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

14 23. Respondent later returned and informed the operator that the vehicle had passed the
15 brake inspection and, after he replaced the license plate bulbs, the lamp inspection as well.
16 Respondent then provided the operator with an invoice for \$96.75 along with Brake Certificate
17 No. [REDACTED] and Lamp Certificate No. LC [REDACTED], both of which were signed under penalty
18 of perjury. The invoice failed to separately list and describe all of the service and repair work
19 performed or the price of each service and repair. In addition, the invoice failed to separately
20 record the subtotal price of the service work performed or to state separately the price for parts
21 supplied. Respondent also failed to obtain authorization from the operator to perform any
22 repair work on the vehicle.

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

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

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

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

19 27. After Respondent issued the brake certificate and lamp certificate for the 1986
20 Chevrolet, the Bureau documented that the vehicle's front brake rotors remained undersized and
21 outside of the manufacturer's discard specifications. The Bureau also documented that both
22 headlamps were in the same misadjusted position that they had been in prior to Respondent's
23 inspection.

24 **FIRST CAUSE FOR DISCIPLINE**

25 **(Untrue or Misleading Statements)**

26 28. Respondent Lee's Auto Service; Sang Tok Yi's registration is subject to disciplinary
27 action pursuant to BPC Code section 9884.7, subdivision (a)(1), Respondent made or authorized

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1 statements which he knew or in the exercise of reasonable care should have known to be untrue or
2 misleading, as follows:

3 a. Respondent verbally informed the undercover operator that the Bureau's 2000 Toyota
4 and 1986 Chevrolet had passed their respective brake and lamp inspections when, in fact, neither
5 Bureau-documented vehicle was capable of passing either inspection without appropriate
6 adjustments and/or repairs.

7 b. Respondent issued, and signed under penalty of perjury, Brake Certificate No.
8 [REDACTED] and Lamp Certificate No. [REDACTED] for the Bureau's 2000 Toyota when, in fact,
9 the Bureau-documented vehicle was not capable of passing either inspection without appropriate
10 adjustments and/or repairs.

11 c. Respondent issued, and signed under penalty of perjury, Brake Certificate No.
12 [REDACTED] and Lamp Certificate No. [REDACTED] for the Bureau's 1986 Chevrolet when, in fact,
13 the Bureau-documented vehicle was not capable of passing either inspection without appropriate
14 adjustments and/or repairs.

15 **SECOND CAUSE FOR DISCIPLINE**

16 **(Fraud)**

17 29. Respondent Lec's Auto Service; Sang Tok Yi's registration is subject to disciplinary
18 action pursuant to BPC Code section 9884.7, subdivision (a)(4), Respondent committed acts that
19 constitute fraud by obtaining payment from the operator for performing the applicable
20 inspections, adjustments and/or repairs of the brake and lighting systems on the Bureau's 2000
21 Toyota and the Bureau's 1986 Chevrolet as specified by the Bureau and in accordance with the
22 Vehicle Code. In fact, Respondent failed to perform the necessary inspections, adjustments, and
23 repairs on those vehicles in compliance with Bureau Regulations or the Vehicle Code.
24 Complainant refers to, and by this reference incorporates, the allegations set forth above in
25 paragraphs 22 through 27, inclusive, as though set forth fully herein.

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1 **THIRD CAUSE FOR DISCIPLINE**

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

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

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

9 b. **Section 9889.16**: Respondent issued, and signed under penalty of perjury, Brake
10 Certificate No. [REDACTED] and Lamp Certificate No. [REDACTED] for the Bureau's 2000 Toyota
11 when the vehicle was not in compliance with Bureau Regulations or the requirements of the
12 Vehicle Code. Respondent also issued, and signed under penalty of perjury, Brake Certificate
13 No. [REDACTED] and Lamp Certificate No. [REDACTED] for the Bureau's 1986 Chevrolet when the
14 vehicle was not in compliance with Bureau Regulations or the requirements of the Vehicle Code.

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

18 **FOURTH CAUSE FOR DISCIPLINE**

19 **(Violations of Regulations)**

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

23 a. **Section 3305, subdivision (a)**: Respondent failed to perform the inspection of the
24 brake system and inspection and adjustment of the lamp system on the Bureau's 2000 Toyota in
25 accordance with the specifications, instructions, and directives issued by the Bureau and the
26 vehicle manufacturer. Respondent also failed to perform the inspection of the brake system and
27 inspection and adjustment of the lamp system on the Bureau's 1986 Chevrolet in accordance with
28 the specifications, instructions, and directives issued by the Bureau and the vehicle manufacturer.

1 sections 3305, subdivision (a), 3316, subdivision (d)(2), and 3321, subdivision (c)(2).
2 Complainant refers to, and by this reference incorporates, the allegations set forth above in
3 paragraphs 22 through 27, inclusive, as though set forth fully herein.

4 **EIGHTH CAUSE FOR DISCIPLINE**

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

6 35. Respondent Lee's Auto Service; Sang Tok Yi's brake and lamp station licenses are
7 subject to disciplinary action pursuant to BPC Code section 9889.3, subdivision (d), in that
8 Respondent committed acts involving dishonesty, fraud, or deceit whereby another was injured.
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 **NINTH CAUSE FOR DISCIPLINE**

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

13 36. Respondent Sang Tok Yi's brake and lamp adjuster licenses are subject to
14 disciplinary action pursuant to BPC Code section 9889.3, subdivisions (a) and (h), in that he
15 violated the provisions of Bus. & Prof. Code sections 9884.9, subdivision (a), 9889.16, and
16 9889.22 relating to his licensed activities. Complainant refers to, and by this reference
17 incorporates, the allegations set forth above in paragraphs 22 through 27, inclusive, as though set
18 forth fully herein.

19 **TENTH CAUSE FOR DISCIPLINE**

20 **(Violations of Regulations)**

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

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1 DISCIPLINE CONSIDERATIONS

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

9 PRAYER

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

- 12 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
13 197295, issued to Lee's Auto Service; Sang Tok Yi;
- 14 2. Revoking or suspending Brake Station License Number BS 197295, issued to Lee's
15 Auto Service; Sang Tok Yi;
- 16 3. Revoking or suspending Lamp Station License Number LS 197295, issued to Lee's
17 Auto Service; Sang Tok Yi;
- 18 4. Revoking or suspending Smog Check Station License Number RC 197295, issued to
19 Lee's Auto Service; Sang Tok Yi;
- 20 5. Revoking or suspending Brake Adjuster License Number BA 311547, issued to Sang
21 Tok Yi;
- 22 6. Revoking or suspending Lamp Adjuster License Number LA 311547, issued to Sang
23 Tok Yi;
- 24 7. Revoking or suspending Sang Tok Yi's smog technician license, currently designated
25 as EA 311547 and as redesignated upon his timely renewal as EO 311547 and/or EI 311547;
- 26 8. Revoking or suspending any additional license issued under Chapter 5 of the Health
27 and Safety Code in the name of Sang Tok Yi;

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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: October 29, 2013 Patrick Dorais

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

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