

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

In the Matter of the Accusation Against:

**GIL'S AUTO CARE & SALES**  
**LUIS EDUARDO GIL, Owner**  
528 N. Fries Ave.  
Wilmington, CA 90744

Case No. 77/11-13

OAH No. 2012021160

Automotive Repair Dealer Registration No.  
ARD 258720  
Smog Check Test & Repair Station License  
No. RC 258720  
Lamp Station License No. LS 258720  
Brake Station License No. BS 258720

and

**ALAN DAVID MORRIS**  
5617 W. Tampion Avenue  
Santa Ana, CA 92704

Advanced Emission Specialist Technician  
License No. EA 140060  
Brake Adjuster License No. BA 140060  
Lamp Adjuster License No. LA 140060

Respondents.

**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 only as to respondent Gil's Auto Care & Sales, Luis Eduardo Gil, Owner, Automotive Repair Dealer Registration No. ARD 258720, Smog Check Test & Repair Station License No. RC 258720, Lamp Station License No. LS 258720, and Brake Station License No. BS 258720.

The suspension of Automotive Repair Dealer Registration No. ARD 258720 and Smog Check Test & Repair Station License No. RC 258720 shall commence on the effective date of this Decision.

This Decision shall become effective 12/11/12.

DATED: 007 3 1 2012

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

1 KAMALA D. HARRIS  
Attorney General of California  
2 GLORIA A. BARRIOS  
Supervising Deputy Attorney General  
3 MICHAEL BROWN  
Deputy Attorney General  
4 State Bar No. 231237  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
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E-mail: MichaelB.Brown@doj.ca.gov  
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 77/11-13

12 **GIL'S AUTO CARE & SALES**  
13 **LUIS EDUARDO GIL, OWNER**  
528 N. Fries Ave  
14 Wilmington, CA 90744  
Automotive Repair Dealer Reg. No. ARD  
15 258720  
Smog Check Test & Repair Station License  
16 No. RC 258720  
Lamp Station License No. LS 258720  
17 Brake Station License No. BS 258720

18 OAH No. 2012021160  
**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

18 and

19 **ALAN DAVID MORRIS**  
5617 W. Tampion Avenue  
20 Santa Ana, CA 92704  
Brake Adjuster No. BA 140060  
21 Lamp Adjuster No. LA 140060

22 Respondents.

23  
24 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
25 entitled proceedings that the following matters are true:

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PARTIES

1. John Wallauch (Complainant) is the Chief of the Bureau of Automotive Repair. He brought this action solely in his official capacity and is represented in this matter by Kamala D. Harris, Attorney General of the State of California, by Michael Brown, Deputy Attorney General.

2. Luis Eduardo Gil (Respondent Gil), owner of Gil's Auto Care & Sales; is represented in this proceeding by attorney Michael B. Levin, Esq., whose address is 3727 Camino del Rio South, Suite 200, San Diego, CA 92108.

3. On or about July 6, 2009, the Bureau of Automotive Repair issued Automotive Repair Dealer Registration No. ARD 258720 to Respondent Gil. The Automotive Repair Dealer Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 77/11-13 and will expire on June 30, 2013, unless renewed.

4. On or about March 22, 2010, the Bureau of Automotive Repair issued Smog Check, Test & Repair Station License No. RC 258720 to Respondent Gil. The Smog Check Test & Repair Station License was in full force and effect at all times relevant to the charges brought in Accusation No. 77/11-13 and will expire on June 30, 2013, unless renewed.

5. On or about July 8, 2009, the Bureau of Automotive Repair issued Lamp Station License No. LS 258720 to Respondent Gil. The Lamp Station License was in full force and effect at all times relevant to the charges brought in Accusation No. 77/11-13 and will expire on June 30, 2013, unless renewed.

6. On or about July 7, 2009, the Bureau of Automotive Repair issued Brake Station License No. BS 258720 to Respondent Gil. The Brake Station License was in full force and effect at all times relevant to the charges brought in Accusation No. 77/11-13 and will expire on June 30, 2013, unless renewed.

JURISDICTION

7. Accusation No. 77/11-13 was filed before the Director of Consumer Affairs (Director), for the Bureau of Automotive Repair (Bureau), and is currently pending against Respondent Gil. The Accusation and all other statutorily required documents were properly

1 served on Respondent Gil on October 12, 2011. Respondent Gil timely filed his Notice of  
2 Defense contesting the Accusation.

3 8. A copy of Accusation No. 77/11-13 is attached as exhibit A and incorporated herein  
4 by reference.

5 ADVISEMENT AND WAIVERS

6 9. Respondent Gil has carefully read, fully discussed with counsel, and understands the  
7 charges and allegations in Accusation No. 77/11-13. Respondent Gil also has carefully read, fully  
8 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary  
9 Order.

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

17 11. Respondent Gil voluntarily, knowingly, and intelligently waives and gives up each  
18 and every right set forth above.

19 CULPABILITY

20 12. Respondent Gil admits the truth of each and every charge and allegation in  
21 Accusation No. 77/11-13.

22 13. Respondent Gil agrees that his Automotive Repair Dealer Registration, Smog Check,  
23 Test & Repair Station License, Lamp Station License and Brake Station License are subject to  
24 discipline and he agrees to be bound by the Director's probationary terms as set forth in the  
25 Disciplinary Order below.

26 RESERVATION

27 14. Any admissions, general or specific, express or implied, do not constitute admissions  
28 for any other purpose or proceeding to which the Department of Consumer Affairs (DCA) or the

1 Bureau of Automotive Repair (BAR) is not a party, including third party civil, criminal or  
2 administrative proceedings.

3 CONTINGENCY

4 15. This stipulation shall be subject to approval by the Director of Consumer Affairs or  
5 his designee. Respondent Gil understands and agrees that counsel for Complainant and the staff  
6 of the Bureau of Automotive Repair may communicate directly with the Director and staff of the  
7 Department of Consumer Affairs regarding this stipulation and settlement, without notice to or  
8 participation by Respondent Gil or his counsel. By signing the stipulation, Respondent Gil  
9 understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation  
10 prior to the time the Director considers and acts upon it. If the Director fails to adopt this  
11 stipulation as the Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of  
12 no force or effect, except for this paragraph, it shall be inadmissible in any legal action between  
13 the parties, and the Director shall not be disqualified from further action by having considered  
14 this matter.

15 16. The parties understand and agree that facsimile copies of this Stipulated Settlement  
16 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and  
17 effect as the originals.

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

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

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1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Automotive Repair Dealer Registration No. ARD 258720,  
3 Smog Check Test & Repair Station License No. RC 258720, Lamp Station License No. LS  
4 258720 and Brake Station License No. BS 258720 issued to Luis Eduardo Gil (Respondent Gil),  
5 owner of Gil's Auto Care & Sales are revoked. However, the revocations of the Automotive  
6 Repair Dealer Registration and Smog Check Test & Repair Station License are stayed and  
7 Respondent Gil is placed on probation for three (3) years on the following terms and conditions.

8 1. **Actual Suspension.** Automotive Repair Dealer Registration No. ARD 258720 and  
9 Smog Check Test & Repair Station License No. RC 258720 issued to Respondent Gil are  
10 suspended for 10 days.

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

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

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

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

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

27 7. **Jurisdiction.** If an accusation is filed against Respondent Gil during the term of  
28 probation, the Director of Consumer Affairs shall have continuing jurisdiction over this matter

1 until the final decision on the accusation, and the period of probation shall be extended until such  
2 decision.

3       8.    **Violation of Probation.** Should the Director of Consumer Affairs determine that  
4 Respondent Gil has failed to comply with the terms and conditions of probation, the Department  
5 may, after giving notice and opportunity to be heard temporarily or permanently invalidate the  
6 registrations or suspend or revoke their license.

7       9.    **Restrictions.** During the period of probation, Respondent Gil shall not perform any  
8 form of smog inspection, or emission system diagnosis or repair, until Respondent Gil has  
9 purchased, installed, and maintained the diagnostic and repair equipment prescribed by BAR  
10 necessary to properly perform such work, and BAR has been given 10 days notice of the  
11 availability of the equipment for inspection by a BAR representative.

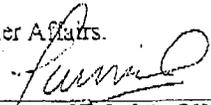
12       10.   **Cost Recovery.** Respondent Alan David Morris (Respondent Morris) and  
13 Respondent Gil shall be jointly and severally responsible for costs of investigation and costs of  
14 prosecution by Department of Justice. Respondent Morris and Respondent Gil shall pay to the  
15 Bureau a portion of investigation and enforcement of this matter in the amount of \$14,306.00,  
16 paid as follows: Respondent Morris and Respondent Gil shall make twenty four (24) equal  
17 monthly payments of \$596.08 per month, beginning the month of the effective date of the  
18 Director's Decision and Order. Payment in full to the Bureau of the \$14,306.00 shall be received  
19 no later than twelve (12) months before probation terminates. All payments shall be in the form  
20 of a certified check, cashier's check or money order, payable to the Bureau of Automotive Repair  
21 and shall be mailed or delivered to the Bureau of Automotive Repair, 10949 North Mather  
22 Boulevard, Rancho Cordova, California 95670, Attention Planning and Oversight. Failure to  
23 complete payment of cost recovery within this time frame shall constitute a violation of probation  
24 which may subject the registrations and licenses of Respondent Morris and Respondent Gil to  
25 outright revocation; however, the Director or the Director's Bureau of Automotive Repair  
26 designee may elect to continue probation until such time as reimbursement of the entire cost  
27 recovery amount has been made to the Bureau.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Michael B. Levin, Esq. I understand the stipulation and the effect it will have on my Automotive Repair Dealer Registration, Smog Check Test & Repair Station License, Lamp Station License and Brake Station License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of Consumer Affairs.

DATED: 8-17/2012   
LUIS EDUARDO GIL OWNER OF GIL'S AUTO CARE & SALES  
Respondent Gil

I have read and fully discussed with Respondent Morris the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: \_\_\_\_\_  
Michael B. Levin, Esq.  
Attorney for Respondent

ENDORSEMENT

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

Dated: August \_\_, 2012  
Respectfully submitted,  
KAMALA D. HARRIS  
Attorney General of California  
GLORIA A. BARRIOS  
Supervising Deputy Attorney General

MICHAEL BROWN  
Deputy Attorney General  
*Attorneys for Complainant*

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

LUIS EDUARDO GIL OWNER OF GIL'S AUTO  
CARE & SALES  
Respondent Gil

I have read and fully discussed with Respondent Morris the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

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

Michael B. Levin, Esq.  
Attorney for Respondent

ENDORSEMENT

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

Dated: August 20, 2012

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
GLORIA A. BARRIOS  
Supervising Deputy Attorney General



MICHAEL BROWN  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 77/11-13**

1 KAMALA D. HARRIS  
Attorney General of California  
2 ALFREDO TERRAZAS  
Senior Assistant Attorney General  
3 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
4 State Bar No. 164015  
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5 Los Angeles, CA 90013  
Telephone: (213) 897-2520  
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. 7711-13

13 **GIL'S AUTO CARE & SALES**  
14 **LUIS EDUARDO GIL, OWNER**  
528 N. Fries Ave  
Wilmington, CA 90744  
Automotive Repair Dealer Reg. No. ARD 258720  
15 Smog Check Test & Repair Station License No.  
16 RC 258720  
Lamp Station License No. LS 258720  
Brake Station License No. BS 258720

**ACCUSATION**

17 and

18 **ALAN DAVID MORRIS**  
19 5617 W. Tampion Avenue  
Santa Ana, CA 92704  
20 Brake Adjuster No. BA 140060  
Lamp Adjuster No. LA 140060  
21

22 Respondents.

23 Complainant alleges:

24 **PARTIES/LICENSE INFORMATION**

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

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1                   **Gil's Auto Care & Sales; Luis Eduardo Gil, Owner**

2                   2.     On or about July 6, 2009, the Director of Consumer Affairs ("Director") issued  
3 Automotive Repair Dealer Registration Number ARD 258720 ("registration") to Luis Eduardo  
4 Gil ("Respondent Gil"), owner of Gil's Auto Care & Sales. Respondent's registration was in full  
5 force and effect at all times relevant to the charges brought herein and will expire on June 30,  
6 2012, unless renewed.

7                   3.     On or about March 22, 2010, the Director issued Smog Check Test & Repair Station  
8 License Number RC 258720 ("smog check station license") to Respondent Gil. Respondent's  
9 smog check station license was in full force and effect at all times relevant to the charges brought  
10 herein and will expire on June 30, 2012, unless renewed.

11                  4.     On or about July 8, 2009, the Director issued Lamp Station License Number LS  
12 258720 to Respondent Gil. Respondent's lamp station license was in full force and effect at all  
13 times relevant to the charges brought herein and will expire on June 30, 2012, unless renewed.

14                  5.     On or about July 7, 2009, the Director issued Brake Station License Number BS  
15 258720 to Respondent Gil. Respondent's brake station license was in full force and effect at all  
16 times relevant to the charges brought herein and will expire on June 30, 2012, unless renewed.

17                   **Alan David Morris**

18                  6.     On or about November 2, 2009, the Director issued Brake Adjuster License Number  
19 BA 140060 to Alan David Morris ("Respondent Morris"). Respondent's brake adjuster license  
20 was in full force and effect at all times relevant to the charges brought herein and will expire on  
21 January 31, 2013, unless renewed.

22                  7.     On or about December 9, 2009, the Director issued Lamp Adjuster License Number  
23 LA 140060 to Respondent Morris. Respondent's lamp adjuster license was in full force and effect  
24 at all times relevant to the charges brought herein and will expire on January 31, 2013, unless  
25 renewed.

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

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

6 (4) Any other conduct that constitutes fraud.

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

9 (c) Notwithstanding subdivision (b), the director may suspend, revoke or  
10 place on probation the registration for all places of business operated in this state by  
11 an automotive repair dealer upon a finding that the automotive repair dealer has, or is,  
12 engaged in a course of repeated and willful violations of this chapter, or regulations  
13 adopted pursuant to it.

14 15. Bus. & Prof. Code section 9889.3 states, in pertinent part:

15 The director may suspend, revoke, or take other disciplinary action  
16 against a license as provided in this article [Article 7 (commencing with section  
17 9889.1) of the Automotive Repair Act] if the licensee or any partner, officer, or  
18 director thereof:

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

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

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

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

27 16. Bus. & Prof. Code section 9889.16 states:

28 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,

1 which certificate shall contain the date of issuance, the make and registration number  
2 of the vehicle, the name of the owner of the vehicle, and the official license of the  
3 station.

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

9 18. Bus. & Prof. Code section 22, subdivision (a), states:

10 "Board" as used in any provision of this Code, refers to the board in  
11 which the administration of the provision is vested, and unless otherwise expressly  
12 provided, shall include "bureau," "commission," "committee," "department,"  
13 "division," "examining committee," "program," and "agency."

14 19. Bus. & Prof. Code section 477, subdivision (b), states, in pertinent part, that a  
15 "license" includes "registration" and "certificate."

16 20. Health & Saf. Code section 44072.2 states, in pertinent part:

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

20 . . . .

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

23 21. Health & Saf. Code section 44072.8 states that when a license has been revoked or  
24 suspended following a hearing under this article, any additional license issued under this chapter  
25 in the name of the licensee may be likewise revoked or suspended by the director.

#### 26 COST RECOVERY

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

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1 system on the Bureau's 2000 Honda CRV. In fact, the right rear brake drum was machined  
2 beyond the manufacturer's drum discard specifications and had not been replaced on the vehicle.

3 b. Respondent Gil's technician, Respondent Morris, certified under penalty of perjury on  
4 Lamp Certificate No. LC1087267 that the applicable adjustment had been performed on the  
5 lighting system on the Bureau's 2000 Honda CRV. In fact, Respondent Morris failed to adjust  
6 the headlamps to manufacturer's specifications, as set forth in paragraph 24 above.

7 **SECOND CAUSE FOR DISCIPLINE**

8 **(Failure to Provide Customer with Copy of Signed Document)**

9 26. Respondent Gil's registration is subject to disciplinary action pursuant to Bus. & Prof.  
10 Code section 9884.7, subdivision (a)(3), in that Respondent Gil's technician, Respondent Morris,  
11 failed to provide the operator with a copy of the work order/estimate as soon as the operator  
12 signed the document.

13 **THIRD CAUSE FOR DISCIPLINE**

14 **(Fraud)**

15 27. Respondent Gil's registration is subject to disciplinary action pursuant to Bus. & Prof.  
16 Code section 9884.7, subdivision (a)(4), Respondent committed an act constituting fraud, as  
17 follows: Respondent obtained payment from the operator for performing the applicable  
18 adjustments or repairs of the brake and lighting systems on the Bureau's 2000 Honda CRV as  
19 specified by the Bureau and in accordance with the Vehicle Code. In fact, Respondent failed to  
20 perform the necessary adjustments and repairs in compliance with Bureau Regulations or the  
21 Vehicle Code.

22 **FOURTH CAUSE FOR DISCIPLINE**

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

24 28. Respondent Gil's registration is subject to disciplinary action pursuant to Bus. & Prof.  
25 Code section 9884.7, subdivision (a)(6), in that Respondent failed to comply with section 9889.16  
26 of that Code in a material respect, as follows: Respondent issued Brake Certificate No.

27 BC1103465 and Certificate of Lamp Adjustment No. LC1087267 as to the Bureau's 2000 Honda

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1 CRV when the vehicle was not in compliance with Bureau Regulations or the requirements of the  
2 Vehicle Code.

3 **FIFTH CAUSE FOR DISCIPLINE**

4 (Violations of Regulations)

5 29. Respondent Gil's registration is subject to disciplinary action pursuant to Bus. & Prof.  
6 Code section 9884.7, subdivision (a)(6), in that Respondent failed to comply with provisions of  
7 California Code of Regulations, title 16, in the following material respects:

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

12 b. **Section 3316, subdivision (d)(2)**: Respondent issued Lamp Certificate No.  
13 LC1087267 as to the Bureau's 2000 Honda CRV when all of the lamps, lighting equipment,  
14 and/or related electrical systems on the vehicle were not in compliance with Bureau regulations.

15 c. **Section 3321, subdivision (c)(2)**: Respondent issued Brake Certificate No.  
16 BC1103465 as to the Bureau's 2000 Honda CRV when the brake system on the vehicle had not  
17 been completely tested or inspected.

18 **SIXTH CAUSE FOR DISCIPLINE**

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

20 30. Respondent Gil's brake and lamp station licenses are subject to disciplinary action  
21 pursuant to Bus. & Prof. Code section 9889.3, subdivisions (a) and (h), in that Respondent  
22 violated section 9889.16 of that Code relating to his licensed activities, as set forth in paragraph  
23 28 above.

24 **SEVENTH CAUSE FOR DISCIPLINE**

25 (Failure to Comply with Regulations)

26 31. Respondent Gil's brake and lamp station licenses are subject to disciplinary action  
27 pursuant to Bus. & Prof. Code section 9889.3, subdivision (c), in that Respondent failed to

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1 comply with the provisions of California Code of Regulations, title 16, sections 3305, subdivision  
2 (a), 3316, subdivision (d)(2), and 3321, subdivision (c)(2), as set forth in paragraph 29 above.

3 **EIGHTH CAUSE FOR DISCIPLINE**

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

5 32. Respondent Gil's brake and lamp station licenses are subject to disciplinary action  
6 pursuant to Bus. & Prof. Code section 9889.3, subdivision (d), in that Respondent committed acts  
7 involving dishonesty, fraud, or deceit whereby another was injured, as set forth in paragraph 27  
8 above.

9 **NINTH CAUSE FOR DISCIPLINE**

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

11 33. Respondent Morris' brake and lamp adjuster licenses are subject to disciplinary action  
12 pursuant to Bus. & Prof. Code section 9889.3, subdivisions (a) and (h), in that he violated section  
13 9889.16 of that Code relating to his licensed activities, as set forth in paragraph 28 above.

14 **TENTH CAUSE FOR DISCIPLINE**

15 **(Violations of Regulations)**

16 34. Respondent Morris' brake and lamp adjuster licenses are subject to disciplinary action  
17 pursuant to Bus. & Prof. Code section 9889.3, subdivision (c), in that he failed to comply with the  
18 provisions of California Code of Regulations, title 16, sections 3305, subdivision (a), 3316,  
19 subdivision (d)(2), and 3321, subdivision (c)(2), as set forth in paragraph 29 above.

20 **UNDERCOVER OPERATION #2: 1998 TOYOTA CAMRY**

21 35. On October 20, 2010, an undercover operator of the Bureau ("operator") took the  
22 Bureau's 1998 Toyota Camry to Respondent Gil's facility and requested brake and lamp  
23 inspections on the vehicle. The rear brake drums on the Bureau-documented vehicle were  
24 machined beyond the manufacturer's drum discard specifications, the headlamps were out of  
25 adjustment, and the right license plate lamp bulb and right rear side marker lamp bulb were  
26 defective. Respondent Morris ("Morris") had the operator sign a work order/estimate totaling \$50  
27 for the inspection, but did not give him a copy. Morris took the vehicle on a test drive. After  
28 returning to the facility, Morris looked at the vehicle and told the operator that it needed a license

1 plate bulb at a cost of \$5. The operator authorized Morris to replace the bulb. Later, the operator  
2 observed another individual put air in the tires. The individual torqued the wheels, but did not  
3 remove them from the vehicle. The operator observed Morris shine the headlamps on an aiming  
4 screen, but never saw Morris adjust the headlamps. The operator paid the facility \$50 in cash and  
5 received copies of an invoice, Certificate of Brake Adjustment No. BC1138543, and Certificate  
6 of Lamp Adjustment No. LC1121643.

7 36. On October 27, 2010, the Bureau inspected the vehicle and found that the defective  
8 right license plate lamp bulb had been replaced. The Bureau also found that the headlamps had  
9 not been adjusted, the defective right rear side marker lamp bulb was still in place on the vehicle,  
10 the rear brake drums were not within manufacturer's specifications, and none of the wheels had  
11 been removed from the vehicle for inspection.

12 **ELEVENTH CAUSE FOR DISCIPLINE**

13 **(Untrue or Misleading Statements)**

14 37. Respondent Gil's registration is subject to disciplinary action pursuant to Bus. & Prof.  
15 Code section 9884.7, subdivision (a)(1), Respondent made or authorized statements which he  
16 knew or in the exercise of reasonable care should have known to be untrue or misleading, as  
17 follows:

18 a. Respondent Gil's technician, Respondent Morris, certified under penalty of perjury on  
19 Brake Certificate No. BC1138543 that the applicable inspection had been performed on the brake  
20 system on the Bureau's 1998 Toyota Camry. In fact, Respondent Morris failed to inspect the  
21 brake system on the vehicle.

22 b. Respondent Gil's technician, Respondent Morris, certified under penalty of perjury on  
23 Brake Certificate No. BC1138543 that the applicable repair had been performed on the brake  
24 system on the Bureau's 1998 Toyota Camry. In fact, the rear brake drums were machined beyond  
25 the manufacturer's drum discard specifications and had not been replaced on the vehicle.

26 c. Respondent Gil's technician, Respondent Morris, certified under penalty of perjury on  
27 Lamp Certificate No. LC1121643 that the applicable adjustment and repair had been performed  
28 on the lighting system on the Bureau's 1998 Toyota Camry. In fact, Respondent Morris failed to

1 adjust the headlamps on the vehicle, the headlamps were not adjusted to manufacturer's  
2 specifications, and the defective right rear side marker lamp bulb was still in place on the vehicle.

3 **TWELFTH CAUSE FOR DISCIPLINE**

4 **(Failure to Provide Customer with Copy of Signed Document)**

5 38. Respondent Gil's registration is subject to disciplinary action pursuant to Bus. & Prof.  
6 Code section 9884.7, subdivision (a)(3), in that Respondent Gil's technician, Respondent Morris,  
7 failed to provide the operator with a copy of the work order/estimate as soon as the operator  
8 signed the document.

9 **THIRTEENTH CAUSE FOR DISCIPLINE**

10 **(Fraud)**

11 39. Respondent Gil's registration is subject to disciplinary action pursuant to Bus. & Prof.  
12 Code section 9884.7, subdivision (a)(4), Respondent committed an act constituting fraud, as  
13 follows: Respondent obtained payment from the operator for performing the applicable  
14 inspections, adjustments, or repairs of the brake and lighting systems on the Bureau's 1998  
15 Toyota Camry as specified by the Bureau and in accordance with the Vehicle Code. In fact,  
16 Respondent failed to perform the necessary adjustments and repairs in compliance with Bureau  
17 Regulations or the Vehicle Code.

18 **FOURTEENTH CAUSE FOR DISCIPLINE**

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

20 40. Respondent Gil's registration is subject to disciplinary action pursuant to Bus. & Prof.  
21 Code section 9884.7, subdivision (a)(6), in that Respondent failed to comply with section 9889.16  
22 of that Code in a material respect, as follows: Respondent issued Brake Certificate No.  
23 BC1138543 and Certificate of Lamp Adjustment No. LC1121643 as to the Bureau's 1998 Toyota  
24 Camry when the vehicle was not in compliance with Bureau Regulations or the requirements of  
25 the Vehicle Code.

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1 **FIFTEENTH CAUSE FOR DISCIPLINE**

2 (Violations of Regulations)

3 41. Respondent Gil's registration is subject to disciplinary action pursuant to Bus. & Prof.  
4 Code section 9884.7, subdivision (a)(6), in that Respondent failed to comply with provisions of  
5 California Code of Regulations, title 16, in the following material respects:

6 a. **Section 3305, subdivision (a)**: Respondent failed to perform the inspection of the  
7 brake system and adjustment and repair of the lighting system on the Bureau's 1998 Toyota  
8 Camry in accordance with the specifications, instructions, and directives issued by the Bureau and  
9 the vehicle manufacturer.

10 b. **Section 3316, subdivision (d)(2)**: Respondent issued Lamp Certificate No.  
11 LC1121643 as to the Bureau's 1998 Toyota Camry when all of the lamps, lighting equipment,  
12 and/or related electrical systems on the vehicle were not in compliance with Bureau regulations.

13 c. **Section 3321, subdivision (c)(2)**: Respondent issued Brake Certificate No.  
14 BC1138543 as to the Bureau's 1998 Toyota Camry when the brake system on the vehicle had not  
15 been completely tested or inspected.

16 **SIXTEENTH CAUSE FOR DISCIPLINE**

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

18 42. Respondent Gil's brake and lamp station licenses are subject to disciplinary action  
19 pursuant to Bus. & Prof. Code section 9889.3, subdivisions (a) and (h), in that Respondent  
20 violated section 9889.16 of that Code relating to his licensed activities, as set forth in paragraph  
21 40 above.

22 **SEVENTEENTH CAUSE FOR DISCIPLINE**

23 (Failure to Comply with Regulations)

24 43. Respondent Gil's brake and lamp station licenses are subject to disciplinary action  
25 pursuant to Bus. & Prof. Code section 9889.3, subdivision (c), in that Respondent failed to  
26 comply with the provisions of California Code of Regulations, title 16, sections 3305, subdivision  
27 (a), 3316, subdivision (d)(2), and 3321, subdivision (c)(2), as set forth in paragraph 41 above.

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1 **EIGHTEENTH CAUSE FOR DISCIPLINE**

2 (Dishonesty, Fraud, or Deceit)

3 44. Respondent Gil's brake and lamp station licenses are subject to disciplinary action  
4 pursuant to Bus. & Prof. Code section 9889.3, subdivision (d), in that Respondent committed acts  
5 involving dishonesty, fraud, or deceit whereby another was injured, as set forth in paragraph 39  
6 above.

7 **NINETEENTH CAUSE FOR DISCIPLINE**

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

9 45. Respondent Morris' brake and lamp adjuster licenses are subject to disciplinary action  
10 pursuant to Bus. & Prof. Code section 9889.3, subdivisions (a) and (h), in that he violated section  
11 9889.16 of that Code relating to his licensed activities, as set forth in paragraph 40 above.

12 **TWENTIETH CAUSE FOR DISCIPLINE**

13 (Violations of Regulations)

14 46. Respondent Morris' brake and lamp adjuster licenses are subject to disciplinary action  
15 pursuant to Bus. & Prof. Code section 9889.3, subdivision (c), in that he failed to comply with the  
16 provisions of California Code of Regulations, title 16, sections 3305, subdivision (a), 3316,  
17 subdivision (d)(2), and 3321, subdivision (c)(2), as set forth in paragraph 41 above.

18 **UNDERCOVER OPERATION #3: 2004 DODGE NEON**

19 47. On November 17, 2010, an undercover operator of the Bureau ("operator") took the  
20 Bureau's 2004 Dodge Neon to Respondent Gil's facility and requested brake and lamp  
21 inspections on the vehicle. The rear brake drums on the Bureau-documented vehicle were  
22 machined beyond the manufacturer's drum discard specifications, the passenger side headlamp  
23 was out of adjustment, and the license plate lamp bulb was defective. Respondent Morris  
24 ("Morris") drove the vehicle into the shop and turned on the lights. Morris then came into the  
25 office and had the operator sign a work order/estimate totaling \$50 for the inspection, but did not  
26 give him a copy. Morris went back out to the shop and looked at the vehicle. Later, Morris told  
27 the operator that the vehicle needed a license plate bulb, but did not offer to replace it on the  
28 vehicle. The operator never saw Morris remove the wheels or adjust the headlamps on the

1 vehicle. The operator paid the facility \$50 in cash and received copies of an invoice, Certificate  
2 of Brake Adjustment No. BC1154600, and Certificate of Lamp Adjustment No. LC1137700.

3 48. On November 24, 2010, the Bureau inspected the vehicle and found that the  
4 passenger side headlamp had not been adjusted, the defective license plate lamp bulb was still in  
5 place on the vehicle, the rear brake drums were not within manufacturer's specifications, and  
6 none of the wheels had been removed from the vehicle for inspection.

7 **TWENTY-FIRST CAUSE FOR DISCIPLINE**

8 **(Untrue or Misleading Statements)**

9 49. Respondent Gil's registration is subject to disciplinary action pursuant to Bus. & Prof.  
10 Code section 9884.7, subdivision (a)(1), Respondent made or authorized statements which he  
11 knew or in the exercise of reasonable care should have known to be untrue or misleading, as  
12 follows:

13 a. Respondent Gil's technician, Respondent Morris, certified under penalty of perjury on  
14 Brake Certificate No. BC1154600 that the applicable inspection had been performed on the brake  
15 system on the Bureau's 2004 Dodge Neon. In fact, Respondent Morris failed to inspect the brake  
16 system on the vehicle.

17 b. Respondent Gil's technician, Respondent Morris, certified under penalty of perjury on  
18 Brake Certificate No. BC1154600 that the applicable repair had been performed on the brake  
19 system on the Bureau's 2004 Dodge Neon. In fact, the rear brake drums were machined beyond  
20 the manufacturer's drum discard specifications and had not been replaced on the vehicle.

21 c. Respondent Gil's technician, Respondent Morris, certified under penalty of perjury on  
22 Lamp Certificate No. LC1137700 that the applicable adjustment and repair had been performed  
23 on the lighting system on the Bureau's 2004 Dodge Neon. In fact, Respondent Morris failed to  
24 adjust the passenger side headlamp on the vehicle, the headlamp was not adjusted to  
25 manufacturer's specifications, and the defective license plate lamp bulb was still in place on the  
26 vehicle.

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1 d. Respondent Gil represented on the invoice that the tire pressure was "set" and the  
2 wheels were torqued on the Bureau's 2004 Dodge Neon. In fact, those repairs or services were  
3 not performed on the vehicle.

4 **TWENTY-SECOND CAUSE FOR DISCIPLINE**

5 **(Failure to Provide Customer with Copy of Signed Document)**

6 50. Respondent Gil's registration is subject to disciplinary action pursuant to Bus. & Prof.  
7 Code section 9884.7, subdivision (a)(3), in that Respondent Gil's technician, Respondent Morris,  
8 failed to provide the operator with a copy of the work order/estimate as soon as the operator  
9 signed the document.

10 **TWENTY-THIRD CAUSE FOR DISCIPLINE**

11 **(Fraud)**

12 51. Respondent Gil's registration is subject to disciplinary action pursuant to Bus. & Prof.  
13 Code section 9884.7, subdivision (a)(4), Respondent committed an act constituting fraud, as  
14 follows: Respondent obtained payment from the operator for performing the applicable  
15 inspections, adjustments, or repairs of the brake and lighting systems on the Bureau's 2004  
16 Dodge Neon as specified by the Bureau and in accordance with the Vehicle Code. In fact,  
17 Respondent failed to perform the necessary adjustments and repairs in compliance with Bureau  
18 Regulations or the Vehicle Code.

19 **TWENTY-FOURTH CAUSE FOR DISCIPLINE**

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

21 52. Respondent Gil's registration is subject to disciplinary action pursuant to Bus. & Prof.  
22 Code section 9884.7, subdivision (a)(6), in that Respondent failed to comply with section 9889.16  
23 of that Code in a material respect, as follows: Respondent issued Brake Certificate No.  
24 BC1154600 and Certificate of Lamp Adjustment No. LC1137700 as to the Bureau's 2004 Dodge  
25 Neon when the vehicle was not in compliance with Bureau Regulations or the requirements of the  
26 Vehicle Code.

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1 **TWENTY-FIFTH CAUSE FOR DISCIPLINE**

2 (Violations of Regulations)

3 53. Respondent Gil's registration is subject to disciplinary action pursuant to Bus. & Prof.  
4 Code section 9884.7, subdivision (a)(6), in that Respondent failed to comply with provisions of  
5 California Code of Regulations, title 16, in the following material respects:

6 a. **Section 3305, subdivision (a)**: Respondent failed to perform the inspection of the  
7 brake system and adjustment and repair of the lighting system on the Bureau's 2004 Dodge Neon  
8 in accordance with the specifications, instructions, and directives issued by the Bureau and the  
9 vehicle manufacturer.

10 b. **Section 3316, subdivision (d)(2)**: Respondent issued Lamp Certificate No.  
11 LC1137700 as to the Bureau's 2004 Dodge Neon when all of the lamps, lighting equipment,  
12 and/or related electrical systems on the vehicle were not in compliance with Bureau regulations.

13 c. **Section 3321, subdivision (c)(2)**: Respondent issued Brake Certificate No.  
14 BC1154600 as to the Bureau's 2004 Dodge Neon when the brake system on the vehicle had not  
15 been completely tested or inspected.

16 **TWENTY-SIXTH CAUSE FOR DISCIPLINE**

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

18 54. Respondent Gil's brake and lamp station licenses are subject to disciplinary action  
19 pursuant to Bus. & Prof. Code section 9889.3, subdivisions (a) and (h), in that Respondent  
20 violated section 9889.16 of that Code relating to his licensed activities, as set forth in paragraph  
21 52 above.

22 **TWENTY-SEVENTH CAUSE FOR DISCIPLINE**

23 (Failure to Comply with Regulations)

24 55. Respondent Gil's brake and lamp station licenses are subject to disciplinary action  
25 pursuant to Bus. & Prof. Code section 9889.3, subdivision (c), in that Respondent failed to  
26 comply with the provisions of California Code of Regulations, title 16, sections 3305, subdivision  
27 (a), 3316, subdivision (d)(2), and 3321, subdivision (c)(2), as set forth in paragraph 53 above.

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OTHER MATTERS

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2           60. Pursuant to Bus. & Prof. Code section 9884.7, subdivision (c), the Director may  
3 suspend, revoke or place on probation the registration for all places of business operated in this  
4 state by Respondent Luis Eduardo Gil, owner of Gil's Auto Care & Sales, upon a finding that  
5 Respondent has, or is, engaged in a course of repeated and willful violations of the laws and  
6 regulations pertaining to an automotive repair dealer.

7           61. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Test & Repair  
8 Station License Number RC 258720, issued to Respondent Luis Eduardo Gil, owner of Gil's Auto  
9 Care & Sales, is revoked or suspended, any additional license issued under Chapter 5 of the  
10 Health & Saf. Code in the name of said licensee may be likewise revoked or suspended by the  
11 Director.

12           62. Pursuant to Bus. & Prof. Code section 9889.9, if Lamp Station License Number  
13 LS 258720, issued to Respondent Luis Eduardo Gil, owner of Gil's Auto Care & Sales, is revoked  
14 or suspended, any additional license issued under Articles 5 and 6 of Chapter 20.3 of the Bus. &  
15 Prof. Code in the name of said licensee may be likewise revoked or suspended by the Director.

16           63. Pursuant to Bus. & Prof. Code section 9889.9, if Brake Station License Number  
17 BS 258720, issued to Respondent Luis Eduardo Gil, owner of Gil's Auto Care & Sales, is revoked  
18 or suspended, any additional license issued under Articles 5 and 6 of Chapter 20.3 of the Bus. &  
19 Prof. Code in the name of said licensee may be likewise revoked or suspended by the Director.

20           64. Pursuant to Bus. & Prof. Code section 9889.9, if Brake Adjuster License Number  
21 BA 140060, issued to Respondent Alan David Morris, is revoked or suspended, any additional  
22 license issued under Articles 5 and 6 of Chapter 20.3 of the Bus. & Prof. Code in the name of said  
23 licensee may be likewise revoked or suspended by the Director.

24           65. Pursuant to Bus. & Prof. Code section 9889.9, if Lamp Adjuster License Number  
25 LA 140060, issued to Respondent Alan David Morris, is revoked or suspended, any additional  
26 license issued under Articles 5 and 6 of Chapter 20.3 of the Bus. & Prof. Code in the name of said  
27 licensee may be likewise revoked or suspended by the Director.

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PRAYER

1  
2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
3 and that following the hearing, the Director of Consumer Affairs issue a decision:

4 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD  
5 258720, issued to Luis Eduardo Gil, owner of Gil's Auto Care & Sales;

6 2. Revoking or suspending any other automotive repair dealer registration issued to Luis  
7 Eduardo Gil;

8 3. Revoking or suspending Smog Check Test & Repair Station License Number RC  
9 258720, issued to Luis Eduardo Gil, owner of Gil's Auto Care & Sales,;

10 4. Revoking or suspending any additional license issued under Chapter 5 of the Health  
11 and Safety Code in the name of Luis Eduardo Gil;

12 5. Revoking or suspending Lamp Station License Number LS 258720, issued to Luis  
13 Eduardo Gil, owner of Gil's Auto Care & Sales;

14 6. Revoking or suspending Brake Station License Number BS 258720, issued to Luis  
15 Eduardo Gil, owner of Gil's Auto Care & Sales;

16 7. Revoking or suspending any additional license issued under Articles 5 and 6 of  
17 Chapter 20.3 of the Business and Professions Code in the name of Luis Eduardo Gil;

18 8. Revoking or suspending Brake Adjuster License Number BA 140060, issued to  
19 Respondent Alan David Morris;

20 9. Revoking or suspending Lamp Adjuster License Number LA 140060, issued to  
21 Respondent Alan David Morris;

22 10. Revoking or suspending any additional license issued under Articles 5 and 6 of  
23 Chapter 20.3 of the Business and Professions Code in the name of Alan David Morris;

24 11. Ordering Luis Eduardo Gil, owner of Gil's Auto Care & Sales, and Alan Davis Morris  
25 to pay the Director of Consumer Affairs the reasonable costs of the investigation and enforcement  
26 of this case, pursuant to Business and Professions Code section 125.3;

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12. Taking such other and further action as deemed necessary and proper.

DATED:

9/13/11



SHERRY MEHL  
Chief  
Bureau of Automotive Repair  
Department of Consumer Affairs  
State of California  
*Complainant*

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