

1 KAMALA D. HARRIS
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 KEVIN J. RIGLEY
Deputy Attorney General
4 State Bar No. 131800
300 So. Spring Street, Suite 1702
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. 77|10-55

13 **S.H.F., INC.,**
14 **dba STERLING CAR CARE AUTO CENTER**
15 **AHMAD RADWAN BAKAR, PRESIDENT**
16 **ANN L. BAKAR, TREASURER**
17 **HASSAN S. BAKAR, SECRETARY**
18 7610 Sterling Avenue
San Bernardino, CA 92410

A C C U S A T I O N

19 Mailing Address:
20 P.O. Box 1076
Patton, CA 92369

21 Automotive Repair Dealer Reg. No. ARD 260522
22 Smog Check Station License No. RC 260522
23 Lamp Station License No. LS 260522
24 Brake Station License No. BS 260522

25 **and**

26 **AHMAD RADWAN BAKAR**
27 3608 Sepulveda Avenue
San Bernardino, CA 92404

28 Advanced Emission Specialist Technician License
No. EA 300651
Brake Adjuster License No. BA 300651
Lamp Adjuster License No. LA 300651

Respondents.

1 Complainant alleges:

2 **PARTIES/LICENSE INFORMATION**

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

5 **Sterling Car Care Auto Center**

6 2. On or about January 20, 2010, the Director of Consumer Affairs ("Director") issued
7 Automotive Repair Dealer Registration Number ARD 260522 ("registration") to S.H.F., Inc.
8 ("Respondent S.H.F." or "S.H.F."), doing business as Sterling Car Care Auto Center, with Ahmad
9 Radwan Bakar as president, Ann L. Bakar as treasurer, and Hassan S. Bakar as secretary.
10 Respondent S.H.F.'s automotive repair dealer registration will expire on December 31, 2011,
11 unless renewed.

12 3. On or about February 17, 2010, the Director issued Smog Check Station License
13 Number RC 260522 to Respondent S.H.F. Respondent S.H.F.'s smog check station license will
14 expire on December 31, 2011, unless renewed.

15 4. On or about February 17, 2010, the Director issued Lamp Station License Number
16 LS 260522 to Respondent S.H.F. Respondent S.H.F.'s lamp station license will expire on
17 December 31, 2011, unless renewed.

18 5. On or about February 17, 2010, the Director issued Brake Station License Number
19 BS 260522 to Respondent. Respondent S.H.F.'s brake station license will expire on December
20 31, 2011, unless renewed.

21 **Ahmad Radwan Bakar**

22 6. In or about 1996, the Director issued Advanced Emission Specialist Technician
23 License Number EA 300651 ("technician license") to Ahmad Radwan Bakar ("Respondent
24 Bakar"). Respondent Bakar's technician license will expire on March 31, 2012, unless renewed.

25 7. In or about 1999, the Director issued Brake Adjuster License Number BA 300651 to
26 Respondent Bakar. Respondent Bakar's brake adjuster license will expire on March 31, 2012,
27 unless renewed.

28 ///

STATUTORY PROVISIONS

15. Bus. & Prof. Code section 9884.7 states, in pertinent part:

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

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

....

(4) Any other conduct that constitutes fraud.

....

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

....

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

16. Bus. & Prof. Code section 9884.9, subdivision (a), states, in pertinent part:

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

///

///

///

1 17. Bus. & Prof. Code section 9888.3 states:

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

5 18. Bus. & Prof. Code section 9889.3 states, in pertinent part:

6 The director may suspend, revoke, or take other disciplinary action
7 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
8 director thereof:

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

10

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

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

14

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

17 19. Bus. & Prof. Code section 9889.16 states:

18 Whenever a licensed adjuster in a licensed station upon an inspection or
19 after an adjustment, made in conformity with the instructions of the bureau,
20 determines that the lamps or the brakes upon any vehicle conform with the
21 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
22 station.

23 20. Bus. & Prof. Code section 9889.22 states:

24 The willful making of any false statement or entry with regard to a
25 material matter in any oath, affidavit, certificate of compliance or noncompliance, or
26 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.

27 21. Bus. & Prof. Code section 9889.9 states that "[w]hen any license has been revoked or
28 suspended following a hearing under the provisions of this article [Article 7 (commencing with

1 section 9889.1) of the Automotive Repair Act], any additional license issued under Articles 5 and
2 6 of this chapter in the name of the licensee may be likewise revoked or suspended by the
3 director.”

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

5 “Board” as used in any provision of this Code, refers to the board in
6 which the administration of the provision is vested, and unless otherwise expressly
7 provided, shall include “bureau,” “commission,” “committee,” “department,”
8 “division,” “examining committee,” “program,” and “agency.”

9 23. Bus. & Prof. Code section 477, subdivision (b), states, in pertinent part, that a
10 “license” includes “registration” and “certificate.”

11 24. Health & Saf. Code section 44072.2 states, in pertinent part:

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

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

18

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

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

23 25. 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 26. 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.

///

///

1 **BACKGROUND**

2 27. On or about April 24, 1995, the Director issued Automotive Repair Dealer
3 Registration Number ARD 183412 to Walid Kodsí ("Kodsí"), owner of Sterling Car Care Auto
4 Center. In or about 1995, the Director issued Lamp Station License No. LS 183412 and Brake
5 Station License No. BS 183412 to Kodsí. On December 28, 2009, the Bureau sold Kodsí a lamp
6 certificate book containing 50 certificates, numbered LC972001 to LC972050. On January 14,
7 2010, the Bureau sold Kodsí a brake certificate book containing 50 certificates, numbered
8 BC993601 to BC993650. On or about January 27, 2010, Kodsí's registration and lamp and brake
9 station licenses were canceled. In or before January 2010, Kodsí sold the business to Respondent
10 S.H.F.

11 **UNDERCOVER OPERATION #1: 2002 TOYOTA 4RUNNER**

12 28. On January 29, 2010, an undercover operator with the Bureau ("operator") took the
13 Bureau's 2002 Toyota 4Runner to Respondent S. H. F.'s facility and requested smog, brake, and
14 lamp inspections. The front brake rotors on the Bureau-documented vehicle were machined
15 beyond the manufacturer's discard diameter specifications, the front headlamps were out of
16 adjustment, and the rear backup lamps were not functioning. A male employee told the operator
17 that he would take care of the inspections, but did not give her a written estimate. The employee
18 had the operator step on the brake pedal while he checked the brake lights. The employee then
19 had the operator turn on the signals and put the vehicle in reverse while he checked the other
20 lights. The employee placed a piece of equipment onto the headlamps, but did not make any
21 adjustments to the lights. The employee told the operator that the backup lamps were not
22 working and had her get out of the vehicle so that he could check the fuse. The employee
23 checked the fuse, and then replaced the two backup lamp bulbs. The employee took the vehicle
24 on a road test, and then later reported that the brakes were fine. The operator did not observe the
25 employee remove any of the wheels from the vehicle at any time during the brake inspection.
26 Later, the employee told Wilson that they did not perform smog inspections at their facility and
27 offered to take the vehicle to another shop for the inspection. The operator authorized the
28 employee to sublet the smog inspection. A second employee got into the vehicle and drove away.

1 The second employee returned about 10 minutes later and told the operator that the vehicle could
2 not be smog tested as it had come up as a "test only" vehicle. The operator paid the facility \$75
3 in cash for the inspections and the repair of the back up lamp bulbs and received copies of a
4 written estimate, an invoice, Brake Certificate Number BC993620, and Lamp Certificate Number
5 LC972029. The certificates indicated that the brake and lamp inspections were performed by
6 Respondent Bakar.

7 29. On February 2, 2010, the Bureau inspected the vehicle and found that the rear back
8 up lamps were now functional; however, the front headlamps were still out of adjustment, the
9 front brake rotors were not within manufacturer's specifications, and none of the wheels had been
10 removed to inspect the brakes.

11 **FIRST CAUSE FOR DISCIPLINE**

12 **(Untrue or Misleading Statements)**

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

17 a. Respondent S.H.F. certified under penalty of perjury on Brake Certificate Number
18 BC993620 that the applicable inspection was performed on the brake system on the Bureau's
19 2002 Toyota 4Runner. In fact, Respondent S.H.F.'s technician, Respondent Bakar, failed to
20 inspect the brakes on the vehicle.

21 b. Respondent S.H.F. certified under penalty of perjury on Brake Certificate Number
22 BC993620 that the front brake rotors on the Bureau's 2002 Toyota 4Runner were in a satisfactory
23 condition. In fact, the front brake rotors had been machined beyond the manufacturer's discard
24 diameter specifications.

25 c. Respondent S.H.F. certified under penalty of perjury on Lamp Certificate Number
26 LC972029 that the applicable adjustment had been performed on the lamp system on the
27 Bureau's 2002 Toyota 4Runner. In fact, both headlamps were out of adjustment at the time the
28 Bureau inspected the vehicle following the undercover operation.

1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Violations of Regulations)**

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

6 a. **Section 3305, subdivision (a)**: Respondent S.H.F. failed to perform the inspection of
7 the brake system and inspection and adjustment of the lamp system on the Bureau's 2002 Toyota
8 4Runner in accordance with the specifications, instructions, and directives issued by the Bureau
9 and the vehicle manufacturer. Further, Respondent S.H.F. authorized or permitted Respondent
10 Bakar to perform the brake and lamp inspections on the vehicle before Respondent S.H.F.'s brake
11 and lamp station licenses had been issued.

12 b. **Section 3316, subdivision (d)(2)**: Respondent issued Lamp Certificate Number
13 LC972029 as to the Bureau's 2002 Toyota 4Runner when all of the lamps, lighting equipment,
14 and/or related electrical systems on the vehicle were not in compliance with Bureau regulations,
15 as set forth in paragraph 30 above.

16 c. **Section 3321, subdivision (c)(2)**: Respondent issued Brake Certificate Number
17 BC993620 as to the Bureau's 2002 Toyota 4Runner when the brake system on the vehicle had not
18 been tested or inspected, as set forth in paragraph 30 above.

19 **FIFTH CAUSE FOR DISCIPLINE**

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

21 34. Respondent S.H.F.'s brake and lamp station licenses are subject to disciplinary action
22 pursuant to Bus. & Prof. Code section 9889.3, subdivisions (a) and (h), in that Respondent
23 violated the provisions of Bus. & Prof. Code sections 9884.9, subdivision (a), 9888.3, 9889.16,
24 and 9889.22 relating to Respondent's licensed activities, as set forth in paragraph 32 above.

25 **SIXTH CAUSE FOR DISCIPLINE**

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

27 35. Respondent S.H.F.'s brake and lamp station licenses are subject to disciplinary action
28 pursuant to Bus. & Prof. Code section 9889.3, subdivision (c), in that Respondent failed to

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 33 above.

3 **SEVENTH CAUSE FOR DISCIPLINE**

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

5 36. Respondent S.H.F.'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 an
7 act involving dishonesty, fraud, or deceit whereby another was injured, as set forth in paragraph
8 31 above.

9 **EIGHTH CAUSE FOR DISCIPLINE**

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

11 37. Respondent Bakar's 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 the
13 provisions of Bus. & Prof. Code sections 9888.3, 9889.16, and 9889.22 relating to his licensed
14 activities, as set forth in paragraph 32 above.

15 **NINTH CAUSE FOR DISCIPLINE**

16 **(Violations of Regulations)**

17 38. Respondent Bakar's brake and lamp adjuster licenses are subject to disciplinary
18 action pursuant to Bus. & Prof. Code section 9889.3, subdivision (c), in that he failed to comply
19 with the provisions of California Code of Regulations, title 16, sections 3305, subdivision (a),
20 3316, subdivision (d)(2), and 3321, subdivision (c)(2), as set forth in paragraph 33 above.

21 **TENTH CAUSE FOR DISCIPLINE**

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

23 39. Respondent S.H.F.'s smog check station license is subject to disciplinary action
24 pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent committed a
25 dishonest, fraudulent, or deceitful act whereby another is injured, as set forth in paragraph 31
26 above.

27 ///

28 ///

<u>Lamp Certificate No.</u>	<u>Alleged Date of Issuance:</u>
LC972029	January 21, 2010
LC972030	See above
LC972031	" "
LC972032	" "
LC972033	" "
LC972034	" "
LC972035	" "
LC972036	January 22, 2010
LC972037	See above
LC972038	" "

ELEVENTH CAUSE FOR DISCIPLINE

(Untrue or Misleading Statements)

42. Respondent S.H.F.'s registration is subject to disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(1), Respondent made or authorized statements which it knew or in the exercise of reasonable care should have known to be untrue or misleading, as follows:

a. Respondent S.H.F. certified under penalty of perjury on the brake and lamp certificates, identified in paragraph 41 above, that the applicable inspections were performed on the vehicles described on the certificates, including the Bureau's 2002 Toyota 4Runner, as specified by the Bureau and in accordance with Title 16 of the California Code of Regulations and the Business and Professions Code. In fact, Respondent S.H.F. authorized or permitted Respondent Bakar to perform the brake and lamp inspections on the vehicles before S.H.F.'s brake and lamp station licenses had been issued, in violation of Bus. & Prof. Code section 9888.3 and California Code of Regulations, title 16, section 3305, subdivision (a).

b. Respondent S.H.F. certified under penalty of perjury on the brake and lamp certificates, identified in paragraph 41 above, that the registration number of the station was AD 183412. In fact, that registration number had been issued to Kodsi, the former owner of Sterling Car Care Auto Center, and had been canceled on January 27, 2010.

c. Respondent S.H.F. certified under penalty of perjury on the brake and lamp certificates, identified in paragraph 41 above, that the brake and lamp inspections were performed

1 on January 21, 2010, or January 22, 2010. In fact, the inspections were performed on or after
2 January 29, 2010, and prior to February 1, 2010.

3 **TWELFTH CAUSE FOR DISCIPLINE**

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

5 43. Respondent S.H.F.'s registration is subject to disciplinary action pursuant to Bus. &
6 Prof. Code section 9884.7, subdivision (a)(6), in that Respondent failed to comply with
7 provisions of that Code in the following material respects:

8 a. **Section 9888.3:** Respondent S.H.F. authorized or permitted Respondent Bakar to
9 perform the brake and lamp inspections on the vehicles described on the brake and lamp
10 certificates, identified in paragraph 41 above, before Respondent S.H.F.'s brake and lamp station
11 licenses had been issued.

12 b. **Section 9889.22:** Respondent S.H.F. willfully made false statements or entries on the
13 brake and lamp certificates, identified in paragraph 42 above.

14 **THIRTEENTH CAUSE FOR DISCIPLINE**

15 **(Violations of Regulations)**

16 44. Respondent S.H.F.'s registration is subject to disciplinary action pursuant to Bus. &
17 Prof. Code section 9884.7, subdivision (a)(6), in that Respondent failed to comply with
18 provisions of California Code of Regulations, title 16, in the following material respects:

19 a. **Section 3305, subdivision (a):** Respondent S.H.F. authorized or permitted
20 Respondent Bakar to perform the brake and lamp inspections on the vehicles described on the
21 brake and lamp certificates, identified in paragraph 41 above, before Respondent S.H.F.'s brake
22 and lamp station licenses had been issued.

23 b. **Section 3316, subdivision (d):** Respondent S.H.F. purchased or otherwise obtained
24 lamp certificate numbers LC972001 to LC972050 from a source other than the Bureau.

25 c. **Section 3321, subdivision (c):** Respondent S.H.F. purchased or otherwise obtained
26 brake certificate numbers BC993601 to BC993650 from a source other than the Bureau.

27 ///

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

FOURTEENTH CAUSE FOR DISCIPLINE

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

45. Respondent S.H.F.'s brake and lamp station licenses are subject to disciplinary action pursuant to Bus. & Prof. Code section 9889.3, subdivisions (a) and (h), in that Respondent violated the provisions of Bus. & Prof. Code sections 9888.3 and 9889.22 relating to its licensed activities, as set forth in paragraph 43 above.

FIFTEENTH CAUSE FOR DISCIPLINE

(Failure to Comply with Regulations)

46. Respondent S.H.F.'s brake and lamp station licenses are subject to disciplinary action pursuant to Bus. & Prof. Code section 9889.3, subdivision (c), in that Respondent failed to comply with the provisions of California Code of Regulations, title 16, sections 3305, subdivision (a), 3316, subdivision (d), and 3321, subdivision (c), as set forth in paragraph 44 above.

SIXTEENTH CAUSE FOR DISCIPLINE

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

47. Respondent Bakar's brake and lamp adjuster licenses are subject to disciplinary action pursuant to Bus. & Prof. Code section 9889.3, subdivisions (a) and (h), in that Respondent violated the provisions of Bus. & Prof. Code sections 9888.3 and 9889.22 relating to his licensed activities, as set forth in paragraph 43 above.

SEVENTEENTH CAUSE FOR DISCIPLINE

(Violations of Regulations)

48. Respondent Bakar's brake and lamp adjuster licenses are subject to disciplinary action pursuant to Bus. & Prof. Code section 9889.3, subdivision (c), in that he failed to comply with California Code of Regulations, title 16, section 3305, subdivision (a), as set forth in subparagraph 44 (a) above.

///
///
///
///

1 **EIGHTEENTH CAUSE FOR DISCIPLINE**

2 **(Untrue or Misleading Statements)**

3 51. Respondent S.H.F.'s registration is subject to disciplinary action pursuant to Bus. &
4 Prof. Code section 9884.7, subdivision (a)(1). Respondent made or authorized statements which it
5 knew or in the exercise of reasonable care should have known to be untrue or misleading, as
6 follows:

7 a. Respondent certified under penalty of perjury on the vehicle inspection report that the
8 Bureau's 1996 Plymouth Voyager had passed inspection and was in compliance with applicable
9 laws and regulations. In fact, the PCV system had been removed from the vehicle and as such,
10 the vehicle would not pass the inspection required by Health & Saf. Code section 44012.

11 b. Respondent S.H.F. certified under penalty of perjury on Brake Certificate Number
12 BC1062586 that the applicable inspection was performed on the brake system on the Bureau's
13 1996 Plymouth Voyager. In fact, Respondent S.H.F.'s technician, Respondent Bakar, failed to
14 inspect the brakes on the vehicle.

15 c. Respondent S.H.F. certified under penalty of perjury on Brake Certificate Number
16 BC1062586 that the rear brake drums on the Bureau's 1996 Plymouth Voyager were in a
17 satisfactory condition. In fact, the rear brake drums were machined beyond the manufacturer's
18 discard diameter specifications.

19 d. Respondent S.H.F. certified under penalty of perjury on Lamp Certificate Number
20 LC1047586 that the applicable adjustment had been performed on the lamp system on the
21 Bureau's 1996 Plymouth Voyager. In fact, both headlamps were out of adjustment at the time the
22 Bureau inspected the vehicle following the undercover operation.

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 NINETEENTH CAUSE FOR DISCIPLINE

2 (Fraud)

3 52. Respondent S.H.F.'s registration is subject to disciplinary action pursuant to Bus. &
4 Prof. Code section 9884.7, subdivision (a)(4), Respondent committed acts that constitute fraud, as
5 follows:

6 a. Respondent issued an electronic smog certificate of compliance for the Bureau's 1996
7 Plymouth Voyager without performing a bona fide inspection of the emission control devices and
8 systems on the vehicle, thereby depriving the People of the State of California of the protection
9 afforded by the Motor Vehicle Inspection Program.

10 b. Respondent obtained payment from the operator for performing the applicable
11 inspections, adjustments, or repairs of the brake and lamp systems on the Bureau's 1996
12 Plymouth Voyager as specified by the Bureau and in accordance with the Vehicle Code. In fact,
13 Respondent failed to perform the necessary inspections, adjustments, and repairs in compliance
14 with Bureau Regulations or the Vehicle Code as set forth in paragraph 51 above.

15 TWENTIETH CAUSE FOR DISCIPLINE

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

17 53. Respondent S.H.F.'s registration is subject to disciplinary action pursuant to Bus. &
18 Prof. Code section 9884.7, subdivision (a)(6), in that Respondent failed to comply with
19 provisions of that Code in the following material respects:

20 a. Section 9884.9, subdivision (a): Respondent's employee failed to provide the
21 operator with a written estimate before performing the brake and lamp inspections on the
22 Bureau's 1996 Plymouth Voyager.

23 b. Section 9889.16: Respondent issued Brake Certificate Number BC1062586 and
24 Lamp Certificate Number LC1047586 as to the Bureau's 1996 Plymouth Voyager when the
25 vehicle was not in compliance with Bureau Regulations or the requirements of the Vehicle Code.

26 c. Section 9889.22: Respondent S.H.F. willfully made false statements or entries on
27 Brake Certificate Number BC1062586 and Lamp Certificate Number LC1047586, as set forth in
28 paragraph 51 above.

1 **TWENTY-FIRST CAUSE FOR DISCIPLINE**

2 **(Violations of Regulations)**

3 54. Respondent S.H.F.'s registration is subject to disciplinary action pursuant to Bus. &
4 Prof. Code section 9884.7, subdivision (a)(6), in that Respondent failed to comply with
5 provisions of 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 inspection and adjustment of the lamp system on the Bureau's 1996 Plymouth
8 Voyager in accordance with the specifications, instructions, and directives issued by the Bureau
9 and the vehicle manufacturer.

10 b. **Section 3316, subdivision (d)(2)**: Respondent issued Lamp Certificate Number
11 LC1047586 as to the Bureau's 1996 Plymouth Voyager when all of the lamps, lighting
12 equipment, and/or related electrical systems on the vehicle were not in compliance with Bureau
13 regulations, as set forth in paragraph 51 above.

14 c. **Section 3321, subdivision (c)(2)**: Respondent issued Brake Certificate Number
15 BC1062586 as to the Bureau's 1996 Plymouth Voyager when the brake system on the vehicle had
16 not been tested or inspected, as set forth in paragraph 51 above.

17 **TWENTY-SECOND CAUSE FOR DISCIPLINE**

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

19 55. Respondent S.H.F.'s brake and lamp station licenses are subject to disciplinary action
20 pursuant to Bus. & Prof. Code section 9889.3, subdivisions (a) and (h), in that Respondent
21 violated the provisions of Bus. & Prof. Code sections 9884.9, subdivision (a), 9889.16, and
22 9889.22 relating to Respondent's licensed activities, as set forth in paragraph 53 above.

23 **TWENTY-THIRD CAUSE FOR DISCIPLINE**

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

25 56. Respondent S.H.F.'s brake and lamp station licenses are subject to disciplinary action
26 pursuant to Bus. & Prof. Code section 9889.3, subdivision (c), in that Respondent failed to
27 comply with the provisions of California Code of Regulations, title 16, sections 3305, subdivision
28 (a), 3316, subdivision (d)(2), and 3321, subdivision (c)(2), as set forth in paragraph 54 above.

1 **TWENTY-EIGHTH CAUSE FOR DISCIPLINE**

2 **(Failure to Comply with Regulations Pursuant**
3 **to the Motor Vehicle Inspection Program)**

4 61. Respondent S.H.F.'s smog check station license is subject to disciplinary action
5 pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that Respondent failed to
6 comply with the provisions of California Code of Regulations, title 16, as follows:

7 a. **Section 3340.24, subdivision (c):** Respondent S.H.F. falsely or fraudulently issued
8 an electronic smog certificate of compliance for the Bureau's 1996 Plymouth Voyager.

9 b. **Section 3340.35, subdivision (c):** Respondent S.H.F. issued an electronic smog
10 certificate of compliance for the Bureau's 1996 Plymouth Voyager even though the vehicle had
11 not been inspected in accordance with California Code of Regulations, title 16, section 3340.42.

12 c. **3340.41, subdivision (c):** Respondent S.H.F. authorized or permitted Respondent
13 Bakar to knowingly enter into the emissions inspection system ("EIS") false information about
14 the Bureau's 1996 Plymouth Voyager.

15 d. **Section 3340.42:** Respondent S.H.F. failed to conduct the required smog tests on the
16 Bureau's 1996 Plymouth Voyager in accordance with the Bureau's specifications.

17 **TWENTY-NINTH CAUSE FOR DISCIPLINE**

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

19 62. Respondent S.H.F.'s smog check station license is subject to disciplinary action
20 pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent committed a
21 dishonest, fraudulent, or deceitful act whereby another is injured by issuing an electronic smog
22 certificate of compliance for the Bureau's 1996 Plymouth Voyager without performing a bona
23 fide inspection of the emission control devices and systems on the vehicle, thereby depriving the
24 People of the State of California of the protection afforded by the Motor Vehicle Inspection
25 Program.

26 ///

27 ///

28 ///

1 dishonest, fraudulent, or deceitful act whereby another is injured by issuing an electronic smog
2 certificate of compliance for the Bureau's 1996 Plymouth Voyager without performing a bona
3 fide inspection of the emission control devices and systems on the vehicle, thereby depriving the
4 People of the State of California of the protection afforded by the Motor Vehicle Inspection
5 Program.

6 **OTHER MATTERS**

7 66. Pursuant to Bus. & Prof. Code section 9884.7, subdivision (c), the Director may
8 suspend, revoke or place on probation the registration for all places of business operated in this
9 state by Respondent S.H.F., Inc., doing business as Sterling Car Care Auto Center, upon a finding
10 that said Respondent has, or is, engaged in a course of repeated and willful violations of the laws
11 and regulations pertaining to an automotive repair dealer.

12 67. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Station License
13 Number RC 260522, issued to Respondent S.H.F., Inc., doing business as Sterling Car Care Auto
14 Center, is revoked or suspended, any additional license issued under Chapter 5 of the Health &
15 Saf. Code in the name of said licensee may be likewise revoked or suspended by the Director.

16 68. Pursuant to Bus. & Prof. Code section 9889.9, if Lamp Station License Number
17 LS 260522, issued to Respondent S.H.F., Inc., doing business as Sterling Car Care Auto Center,
18 is revoked or suspended, any additional license issued under Articles 5 and 6 of Chapter 20.3 of
19 the Bus. & Prof. Code in the name of said licensee may be likewise revoked or suspended by the
20 Director.

21 69. Pursuant to Bus. & Prof. Code section 9889.9, if Brake Station License Number
22 BS 260522, issued to Respondent S.H.F., Inc., doing business as Sterling Car Care Auto Center,
23 is revoked or suspended, any additional license issued under Articles 5 and 6 of Chapter 20.3 of
24 the Bus. & Prof. Code in the name of said licensee may be likewise revoked or suspended by the
25 Director.

26 70. Pursuant to Health & Saf. Code section 44072.8, if Advanced Emission Specialist
27 Technician License Number EA 300651, issued to Respondent Ahmad Radwan Bakar, is revoked
28

1 or suspended, any additional license issued under Chapter 5 of the Health & Saf. Code in the
2 name of said licensee may be likewise revoked or suspended by the Director.

3 71. Pursuant to Bus. & Prof. Code section 9889.9, if Brake Adjuster License Number
4 BA 300651, issued to Respondent Ahmad Radwan Bakar, is revoked or suspended, any
5 additional license issued under Articles 5 and 6 of Chapter 20.3 of the Bus. & Prof. Code in the
6 name of said licensee may be likewise revoked or suspended by the Director.

7 72. Pursuant to Bus. & Prof. Code section 9889.9, if Lamp Adjuster License Number
8 LA 300651, issued to Respondent Ahmad Radwan Bakar, is revoked or suspended, any additional
9 license issued under Articles 5 and 6 of Chapter 20.3 of the Bus. & Prof. Code in the name of said
10 licensee may be likewise revoked or suspended by the Director.

11 **PRAYER**

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

14 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
15 260522, issued to S.H.F., Inc., doing business as Sterling Car Care Auto Center;

16 2. Revoking or suspending any other automotive repair dealer registration issued to
17 S.H.F., Inc.;

18 3. Revoking or suspending Smog Check Station License Number RC 260522, issued to
19 S.H.F., Inc., doing business as Sterling Car Care Auto Center;

20 4. Revoking or suspending any additional license issued under Chapter 5 of the Health
21 and Safety Code in the name of S.H.F., Inc.;

22 5. Revoking or suspending Lamp Station License Number LS 260522, issued to S.H.F.,
23 Inc., doing business as Sterling Car Care Auto Center;

24 6. Revoking or suspending Brake Station License Number BS 260522, issued to S.H.F.,
25 Inc., doing business as Sterling Car Care Auto Center;

26 7. Revoking or suspending any additional license issued under Articles 5 and 6 of
27 Chapter 20.3 of the Business and Professions Code in the name of S.H.F., Inc.;

28

1 8. Revoking or suspending Advanced Emission Specialist Technician License Number
2 EA 300651, issued to Ahmad Radwan Bakar;

3 9. Revoking or suspending any additional license issued under Chapter 5 of the Health
4 and Safety Code in the name of Ahmad Radwan Bakar;

5 10. Revoking or suspending Brake Adjuster License Number BA 300651, issued to
6 Ahmad Radwan Bakar;

7 11. Revoking or suspending Lamp Adjuster License Number LA 300651, issued to
8 Ahmad Radwan Bakar;

9 12. 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 Ahmad Radwan Bakar;

11 13. Ordering S.H.F., Inc., doing business as Sterling Car Care Auto Center, and Ahmad
12 Radwan Bakar to pay the Director of Consumer Affairs the reasonable costs of the investigation
13 and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

15
16
17
18
19
20
21
22
23
24
25
26
27
28

DATED: 6-23-11


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

1

2

3

LA2010600945

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28