

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

In the Matter of the Accusation Against:)

DISCOUNT AUTO SERVICE REPAIR)
ADEL YOUSIF AWADA, Owner)
10907 Florence Avenue)
Downey, CA 90241-3160)
Automotive Repair Dealer Registration)
No. AF 189579)
Smog Check Station License No. RF 189579)

Case No. 77/02-25

OAH No. L-2002100353

and)

ADEL YOUSIF AWADA)
6100 Bellflower Street)
Lakewood, CA 90713)
Advanced Emission Specialist License)
No. EA 142043)

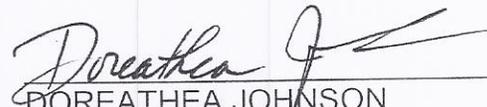
Respondents.)

DECISION

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

This Decision shall become effective October 20, 2003.

DATED: September 12, 2003


DOREATHEA JOHNSON
Deputy Director, Legal Affairs
Department of Consumer Affairs

COPY

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of the State of California
2 BARRY G. THORPE, State Bar No. 126422
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3 California Department of Justice
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6 Attorneys for Complainant

7 **BEFORE THE**
8 **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. 77/02-25

12 DISCOUNT AUTO SERVICE REPAIR
ADEL YOUSOF AWADA, OWNER
10907 Florence Avenue
Downey, CA 90241-3160

OAH No. L-2002100353

13 ARD Registration License No. AF189579
Smog Check Station License No. RF 189579

**STIPULATED SETTLEMENT AND
ORDER**

14 and

15 ADEL YOUSIF AWADA
6100 Bellflower Street
Lakewood, CA 90713

16 Advanced Emission Specialist
License No. EA 142043

17 Respondents.
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21 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this
22 proceeding that the following matters are true:

23 PARTIES

24 1. Patrick Dorais (Complainant) is the Chief of the Bureau of Automotive
25 Repair. He brought this action solely in his official capacity and is represented in this matter by
26 Bill Lockyer, Attorney General of the State of California, by Barry G. Thorpe, Deputy Attorney
27 General.
28

1 carefully read, fully discussed with counsel, and understand the effects of this Stipulated
2 Settlement and Order.

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

10 9. The Respondents voluntarily, knowingly, and intelligently waive and gives
11 up each and every right set forth above.

12 CULPABILITY

13 10. Respondent Discount Auto agrees that, at a hearing, Complainant could
14 establish a factual basis for the charges in Accusation No. 77/02-25. Respondent gives up the
15 right to contest those charges, and hereby agrees to the revocation of Automotive Repair Dealer
16 Registration No. AF189579.

17 11. Respondent Discount Auto agrees that, at a hearing, Complainant could
18 establish a factual basis for the charges in Accusation No. 77/02-25. Respondent gives up the
19 right to contest those charges, and hereby agrees to the revocation of Smog Check Station
20 License No. RF 189579.

21 12. Respondent Awada agrees that, at a hearing, Complainant could establish
22 a factual basis for the charges in Accusation No. 77/02-25. Respondent Awada hereby gives up
23 the right to contest those charges regarding his Advanced Emission Specialist License No. EA
24 142043, and he agrees to be bound by the imposition of discipline as set forth in the Disciplinary
25 Order below.

26 13. Respondent Discount Auto understands that by signing this stipulation, it
27 enables the Director to issue an order revoking its Automotive Repair Dealer Registration No.
28 AF189579, without further process.

1 19. Respondent Discount Auto shall cause to be delivered to the Director its
2 wall certificate on or before the effective date of the Decision and Order.

3 20. Respondent Discount Auto understands and agrees that if it ever applies
4 for licensure or petitions for reinstatement in the State of California, the Director shall treat it as a
5 new application for licensure. Respondent Discount Auto must comply with all the laws,
6 regulations and procedures for licensure in effect at the time the application or petition is filed,
7 and all of the charges and allegations contained in Accusation No. 77/02-25 shall be deemed to
8 be true, correct, and admitted by Respondent Discount Auto when the Director determines
9 whether to grant or deny the application or petition.

10 **IT IS FURTHER ORDERED that Smog Check Station License No. RF**
11 **189579, issued to Respondent Adel Yousof Awada, Owner, Discount Auto Service Repair,**
12 **is revoked.**

13 21. Respondent Discount Auto shall lose all rights and privileges as a Smog
14 Check Station in California as of the effective date of the Director's Decision and Order.

15 22. Respondent Discount Auto shall cause to be delivered to the Director its
16 wall certificate on or before the effective date of the Decision and Order.

17 23. Respondent Discount Auto understands and agrees that if it ever applies
18 for licensure or petitions for reinstatement in the State of California, the Director shall treat it as a
19 new application for licensure. Respondent Discount Auto must comply with all the laws,
20 regulations and procedures for licensure in effect at the time the application or petition is filed,
21 and all of the charges and allegations contained in Accusation No. 77/02-25 shall be deemed to
22 be true, correct, and admitted by Respondent Discount Auto when the Director determines
23 whether to grant or deny the application or petition.

24 **IT IS FURTHER ORDERED that Advanced Emission Specialist License**
25 **No. EA 142043, issued to Respondent Adel Yousof Awada, is revoked. However, the**
26 **revocation is stayed and Respondent is placed on probation for three (3) years on the**
27 **following terms and conditions.**

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

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

8 26. **Prohibited Financial Interest.** Respondent Awada shall not serve as an
9 officer, director, associate, or partner for, and shall not have any financial interest in, any facility
10 which is required to be registered pursuant to Section 9884.6 of the Business and Professions
11 Code.

12 27. **Jurisdiction.** If an accusation is filed against Respondent Awada during
13 the term of probation, the Director of Consumer Affairs shall have continuing jurisdiction over
14 this matter until the final decision on the accusation, and the period of probation shall be
15 extended until such decision.

16 28. **Violation of Probation.** Should the Director of Consumer Affairs
17 determine that Respondent Awada has failed to comply with the terms and conditions of
18 probation, the Department may, after giving notice and opportunity to be heard revoke
19 Respondent Awada's Advanced Emission Specialist License No. EA 142043.

20 29. **Cost Recovery.** Respondent Awada shall pay the Bureau a total of
21 \$12,000.00 as reimbursement for the reasonable costs of the investigation and prosecution in this
22 matter. This amount shall be payable in monthly payments of \$500.00, made to the Bureau each
23 month during the first twenty-four (24) months of Respondent Awada's probation. Failure to
24 complete payment of cost recovery within this time frame shall constitute a violation of
25 probation which may subject Respondent Awada's Advanced Emission Specialist License No.
26 EA 142043, to outright revocation; however, the Director or the Director's Bureau of
27 Automotive Repair designee may elect to continue probation until such time as reimbursement of
28 the entire cost recovery amount has been made to the Bureau.

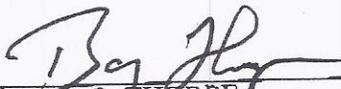
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ENDORSEMENT

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

DATED: 6-24-07

BILL LOCKYER, Attorney General
of the State of California


BARRY G. THORPE
Deputy Attorney General

Attorneys for Complainant

DOJ Docket Number: 03548110-LA2002AD1204

60001134.wpd

Exhibit A

Accusation No. 77/02-25

1 BILL LOCKYER, Attorney General
of the State of California
2 BARRY G. THORPE, State Bar No. 126422
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
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5 Facsimile: (213) 897-2804

6 Attorneys for Complainant

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

10 In the Matter of the Accusation Against:

Case No. 77/02-25

11 ADEL YOUSIF AWADA, Owner,
12 doing business as
DISCOUNT AUTO SERVICE REPAIR
13 10907 Florence Avenue
Downey, CA 90241-3160

ACCUSATION

14 Automotive Repair Dealer Registration License
15 No. AF189579
Smog Check Station License No. RF 189579

16 and

17 ADEL YOUSIF AWADA
18 6100 Bellflower Street
Lakewood, CA 90713

19 Advanced Emission Specialist
20 License No. EA 142043

21 Respondents.

22
23 Complainant alleges:

24 PARTIES

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

28 2. In or about 1996, the Director of Consumer Affairs (Director) issued

1 Automotive Repair Dealer Registration License Number AF189579 to Adel Yousif Awada,
2 Owner, doing business as Discount Auto Service Repair (Respondent). The Automotive Repair
3 Dealer Registration was in full force and effect at all times relevant to the charges brought herein
4 and will expire on June 30, 2003, unless renewed.

5 3. On or about March 4, 1998, the Director issued Smog Check Station
6 License Number RF 189579 to Respondent, Owner, doing business as Discount Auto Service
7 Repair. The Smog Check Station License was in full force and effect at all times relevant to the
8 charges brought herein and will expire on June 30, 2003, unless renewed.

9 4. On or about January 1, 1999, the Director issued Advanced Emission
10 Specialist License Number EA 142043 to Respondent. The Advanced Emission Specialist
11 License was in full force and effect at all times relevant to the charges brought herein and will
12 expire on May 31, 2003, unless renewed.

13 STATUTORY PROVISIONS

14 5. This Accusation is brought before the Director for the Department of
15 Consumer Affairs, under the authority of the following sections of the Business and Professions
16 Code (Code).

17 6. Section 9884.7 of the Code states, in pertinent part, that:

18 “(a) The director, where the automotive repair dealer cannot show there was a
19 bona fide error, may refuse to validate, or may invalidate temporarily or permanently, the
20 registration of an automotive repair dealer for any of the following acts or omissions related to
21 the conduct of the business of the automotive repair dealer, which are done by the automotive
22 repair dealer or any automotive technician, employee, partner, officer, or member of the
23 automotive repair dealer.

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

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28 “(4) Any other conduct which constitutes fraud.

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“(6) Failure in any material respect to comply with the provisions of this chapter [the Automotive Repair Act (Code, § 9880, et seq.)] or regulations adopted pursuant to it.

7. Section 9884.8 of the Code states:

“All work done by an automotive repair dealer, including all warranty work, shall be recorded on an invoice and shall describe all service work done and parts supplied. Service work and parts shall be listed separately on the invoice, which shall also state separately the subtotal prices for service work and for parts, not including sales tax, and shall state separately the sales tax, if any, applicable to each. If any used, rebuilt, or reconditioned parts are supplied, the invoice shall clearly state that fact. If a part of a component system is composed of new and used, rebuilt or reconditioned parts, that invoice shall clearly state that fact. The invoice shall include a statement indicating whether any crash parts are original equipment manufacturer crash parts or nonoriginal equipment manufacturer aftermarket crash parts. One copy of the invoice shall be given to the customer and one copy shall be retained by the automotive repair dealer.”

8. Section 9884.9 of the Code states:

“(a) 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

1 and the total additional cost.

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

6 10. Section 44002 of the Health and Safety Code provides, in pertinent part,
7 that the Director has all the powers and authority granted under the Automotive Repair Act for
8 enforcing the Motor Vehicle Inspection Program.

9 11. Section 44072.2 of the Health and Safety Code states:

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

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

16

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

19 12. Section 44072.6 of the Health and Safety Code provides, in pertinent part,
20 that the expiration or suspension of a license by operation of law, or by order or decision of the
21 Director of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall
22 not deprive the Director of jurisdiction to proceed with disciplinary action.

23 13. California Code of Regulations, Title 16, section 3353, states, in pertinent
24 part, that:

25 "No work for compensation shall be commenced and no charges shall accrue
26 without specific authorization from the customer in accordance with the following requirements:

27 "(a) Estimate for Parts and Labor. Every dealer shall give to each customer a
28 written estimated price for labor and parts for a specific job. All OEM crash parts and non-OEM

1 aftermarket crash parts used in the repair shall be clearly identified on the written estimate. No
2 dealer shall charge for work done or parts supplied in excess of the written estimated price
3 without the oral or written consent of the customer, and if such consent is oral the dealer shall
4 make a notation on the work order and on the invoice of the date, time, name of person
5 authorizing the additional repairs, and telephone number called, if any, together with a
6 specification of the additional parts and labor and the total additional cost. The dealer shall obtain
7 the customer's consent before any additional work not estimated is done or parts not estimated
8 are supplied.

9 14. California Code of Regulations, Title 16, section 3356, states:

10 “(a) The invoice shall show the dealer's registration number and the corresponding
11 business name and address. If the dealer's telephone number is shown, it shall comply with the
12 requirements of Subsection 3371(b) of this chapter. In addition, the invoice shall describe all
13 service work done, including all warranty work, and shall separately identify each part in such a
14 manner that the customer can understand what was purchased, also stating whether the part was
15 new, used, reconditioned, rebuilt, or an OEM crash part, or a non-OEM aftermarket crash part.
16 The dealer shall give the customer a legible copy of the invoice and shall retain a legible copy as
17 part of the dealer's records.

18 (b) Separate billing on the invoice for items generically noted as shop supplies,
19 miscellaneous parts, or the like, is prohibited. As provided for in Section 9884.8 of the Business
20 and Professions Code, the invoice shall describe all service work done and all parts supplied. If
21 the customer is to be charged for a part, such part shall be specifically listed as an item on the
22 invoice. If any such item is not so listed, then the item is not regarded as a part, and a separate
23 charge may not be made for it.”

24 15. California Code of Regulations, Title 16, section 3371, states:

25 “No dealer shall publish, utter, or make or cause to be published, uttered, or made
26 any false or misleading statement or advertisement which is known to be false or misleading, or
27 which by the exercise of reasonable care should be known to be false or misleading.

28 Advertisements and advertising signs shall clearly show the following:

1 (a) Firm Name and Address. The dealer's firm name and address as they appear
2 on the State registration certificate as an automotive repair dealer; and

3 (b) Telephone Number. If a telephone number appears in an advertisement or on
4 an advertising sign, this number shall be the same number as that listed for the dealer's firm name
5 and address in the telephone directory, or in the telephone company records if such number is
6 assigned to the dealer subsequent to the publication of such telephone directory.”

7 16. California Code of Regulations, Title 16, section 3373, states:

8 “No automotive repair dealer or individual in charge shall, in filling out an
9 estimate, invoice, or work order, or record required to be maintained by section 3340.15(f) of this
10 chapter, withhold therefrom or insert therein any statement or information which will cause any
11 such document to be false or misleading, or where the tendency or effect thereby would be to
12 mislead or deceive customers, prospective customers, or the public.”

13 17. Section 118, subdivision (b), of the Code provides that the expiration of a
14 license shall not deprive the Director of jurisdiction to proceed with a disciplinary action during
15 the period within which the license may be renewed, restored, reissued or reinstated.

16 18. Section 125.3 of the Code provides, in pertinent part, that the Director may
17 request the administrative law judge to direct a licentiate found to have committed a violation or
18 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
19 and enforcement of the case.

20 UNDERCOVER OPERATION #1

21 19. On or about May 30, 2001, an undercover operator (Operator) from the
22 Bureau using the alias “Grace Rodriguez,” had a 1997 Ford Mustang (a state-documented
23 vehicle) towed to Respondent’s facility for repair. Prior to having the vehicle towed, the
24 vehicle’s inertia fuel shut off switch had been intentionally tripped, thus rendering the vehicle
25 inoperative. The Operator contacted Respondent, who inspected the vehicle and stated that it
26 needed a fuel pump. The Operator was given an estimate of \$400.00 to replace the fuel pump
27 and was asked to sign the invoice. A copy of the estimate was given to the operator. On or
28 about May 30, 2001, the Operator picked up the vehicle and paid Respondent \$400.00, which

1 included the cost of replacing the fuel pump. On May 31, 2001, the 1997 Ford Mustang was
2 reinspected by a Program Representative I. The Program Representative I, H. Robert Hooper,
3 concluded that the vehicle inertia fuel shut off switch had been reset and that the fuel pump had
4 not be replaced.

5 FIRST CAUSE FOR DISCIPLINE

6 (Fraudulent Acts)

7 20. Respondent's registration is subject to disciplinary action under section
8 9884.7(a)(4) of the Code, in that concerning the 1997 Ford Mustang, Respondent committed
9 fraudulent acts when he charged for and received, payment for replacement of a part and labor
10 services performed in accordance with the estimate when, in fact, the part was not replaced, as
11 set forth in paragraph 19, above.

12 SECOND CAUSE FOR DISCIPLINE

13 (Untrue and Misleading Statements)

14 21. Respondent's registration is subject to disciplinary action under section
15 9887.7(a)(1) of the Code, in that concerning the 1997 Ford Mustang, Respondent made
16 statements which he knew, or in the exercise of reasonable care should have known, to be untrue
17 or misleading, by misrepresenting that the vehicle needed to have its fuel pump replaced and that
18 it was repaired according to the estimate, when in fact it was not, as set forth in paragraph 19,
19 above.

20 THIRD CAUSE FOR DISCIPLINE

21 (Violations of the Code)

22 22. Respondent's registration is subject to disciplinary action under section
23 9884.7(a)(6) of the Code in that on May 30, 2001, Respondent failed to comply with the Code in
24 the following respects:

25 a. Section 9884.8: Respondent failed to describe on the invoice all work
26 performed and parts supplied on the 1997 Ford Mustang, once the repair
27 work on the vehicle was completed.

28 b. Section 9884.9(a): Respondent failed to provide a written estimate for

1 parts and labor for a specific job.

2 FOURTH CAUSE FOR DISCIPLINE

3 (Violations of the Regulations)

4 24. Respondent's registration is subject to disciplinary action under section
5 9884.7(a)(6) of the Code in that on or about May 30, 2001, he failed to comply with the
6 provisions of Title 16, California Code of Regulations as follows:

- 7 a. Section 3353(a): Respondent failed to provide the Operator with a written
8 estimate for parts and labor for a specific job.
- 9 b. Section 3356(a): Respondent failed to describe on the invoice all work
10 and parts, in such a manner that the customer could understand what was
11 purchased.
- 12 c. Section 3371: Respondent stated that the fuel pump had failed and
13 needed to be replaced, when in fact Respondent knew that the fuel pump
14 did not need to be replaced.
- 15 d. Section 3373: Respondent wrote on the invoice that the fuel pump had
16 been replaced, when in fact Respondent did not replace the fuel pump.

17 FIFTH CAUSE FOR DISCIPLINE

18 (Dishonesty, Fraud or Deceit)

19 25. Respondent's smog check station license is subject to disciplinary action
20 under Health and Safety Code section 44072.2(d) in that Respondent committed acts involving
21 dishonesty, fraud or deceit whereby another is injured by preparing a false invoice and charging
22 for the replacement of the fuel pump on the 1997 Ford Mustang when in fact, that part was not
23 replaced.

24 SIXTH CAUSE FOR DISCIPLINE

25 (Dishonesty, Fraud or Deceit)

26 26. Respondent Awada's advanced emission specialist license is subject to
27 disciplinary action under Health and Safety Code section 44072.2(d) in that Respondent
28 committed acts involving dishonesty, fraud or deceit whereby another is injured by preparing a

1 false invoice and charging for the replacement of the fuel pump on the 1997 Ford Mustang when
2 in fact, that part was not replaced.

3 UNDERCOVER OPERATION #2

4 27. On or about August 15, 2001, an undercover operator (Second Operator)
5 from the Bureau, using the alias "Susan Bell," took a 1993 Mercury Villager (a state-documented
6 vehicle) to Respondent's facility for repair. Prior to taking the vehicle to the facility, a short
7 circuit was intentionally caused in the vehicle's #6 spark plug, thus causing the vehicle's engine
8 to misfire and run roughly. At Respondent's facility, "Enrique" inspected the Mercury Villager
9 and asked the Second Operator to fill out and sign a work order. The work order did not contain
10 an estimated cost for the work. A copy of the work order, and a business card, was given to the
11 Second Operator. The Second Operator later called and spoke to Respondent by telephone.
12 Respondent stated that the estimated cost of repairing the vehicle would be \$252.00.
13 Respondent, with no additional authority from the Second Operator, later raised the cost of repair
14 to \$317.72. On August 16, 2001, the Second Operator picked up the vehicle and paid
15 Respondent \$317.72.

16 28. On August 16, 2001, the 1993 Mercury Villager was reinspected by a
17 Program Representative I. The Program Representative I, Steven M. Gauronski, determined that
18 Respondent replaced and charged for a distributor cap, ignition rotor and spark plug wires, when
19 in fact, the parts were in good working order and did not need to be replaced.

20 SEVENTH CAUSE FOR DISCIPLINE

21 (Fraudulent Acts)

22 29. Respondent's registration is subject to disciplinary action under section
23 9884.7(a)(4) of the Code, in that concerning the 1993 Mercury Villager, Respondent committed
24 fraudulent acts when he charged for and received payment to replace the distributor cap, ignition
25 rotor, and spark plug wires, when in fact, the parts were in good working order and did not need
26 to be replaced.

27 EIGHTH CAUSE FOR DISCIPLINE

28 (Violations of the Code Sections)

1 disciplinary action under Health and Safety Code section 44072.2(d) in that Respondent
2 committed acts involving dishonesty, fraud or deceit whereby another is injured, by charging for
3 and receiving payment to replace the distributor cap, ignition rotor, and spark plug wires on the
4 1993 Mercury Villager, when in fact, the parts were in good working order and did not need to
5 be replaced.

6 UNDERCOVER OPERATION #3

7 34. On or about March 14, 2002, an undercover operator (Third Operator)
8 from the Bureau, using the alias "Karen Reyes," had a 1988 Chevrolet Celebrity (a state-
9 documented vehicle) towed by Respondent to his facility for repair. Prior to having the vehicle
10 towed, a defective crankshaft position sensor was deliberately installed in the vehicle, thus
11 rendering the vehicle inoperative. The Third Operator spoke to "David", who inspected the
12 vehicle. The Third Operator was provided with an estimate, which she signed, that showed a
13 charge of \$30.00 for towing and \$40.00 for diagnostic testing. When the Third Operator called
14 Respondent to check on the status of the vehicle, Respondent stated that the vehicle needed an
15 ignition module and a "consensor" and that the charge for the repair would be \$330.00. The
16 Third Operator authorized the Repair. However, on March 15, 2002, when the Third Operator
17 picked up the vehicle, she was required to pay \$420.00 for the repairs as Respondent had
18 increased the charge without authorization.

19 35. On March 15, 2002, the 1988 Chevrolet Celebrity was reinspected by a
20 Program Representative I. The Program Representative I, Jose I. Corona, concluded that
21 Respondent unnecessarily replaced and charged for the direct ignition system module assembly,
22 when in fact, it was in good working order and did not need to be replaced.

23 TWELFTH CAUSE FOR DISCIPLINE

24 (Fraudulent Acts)

25 36. Respondent's registration is subject to disciplinary action under section
26 9884.7(a)(4) of the Code, in that concerning the 1988 Chevrolet Celebrity, Respondent
27 committed fraudulent acts when he charge for and received payment to replace direct ignition
28

1 system module assembly, when in fact, it was in good working order and did not need to be
2 replaced.

3 THIRTEENTH CAUSE FOR DISCIPLINE

4 (Violations of the Code Sections)

5 37. Respondent's registration is subject to disciplinary action under section
6 9887.7(a)(6) of the Code in that on or about March 14, 2002, Respondent failed to comply with
7 the Code in the following respects:

- 8 a. Section 9884.8: Respondent failed to provide the Third Operator with a
9 final invoice that described all service work done.
10 b. Section 9884.9(a): Respondent charged for repairs and parts supplied
11 without first notifying the Third Operator or obtaining her authorization.

12 FOURTEENTH CAUSE FOR DISCIPLINE

13 (Violations of the Regulations)

14 38. Respondent's registration is subject to disciplinary action under section
15 9884.7(a)(6) of the Code in that on or about March 14, 2002, he failed to comply with the
16 provisions of Title 16, California Code of Regulations as follows:

- 17 a. Section 3353: Respondent failed to obtain the Third Operator's
18 authorization prior to commencing repairs.
19 b. Section 3356(a): Respondent failed to describe all service work done.

20 FIFTEENTH CAUSE FOR DISCIPLINE

21 (Dishonesty, Fraud or Deceit)

22 39. Respondent's smog check station license is subject to disciplinary action
23 under Health and Safety Code section 44072.2(d) in that Respondent committed acts involving
24 dishonesty, fraud or deceit whereby another is injured by invoice and charging for and receiving
25 payment to replace the direct ignition system module assembly on the 1988 Chevrolet Celebrity,
26 when in fact, it was in good working order and did not need to be replaced.

27 ///

28 ///

1 SIXTEENTH CAUSE FOR DISCIPLINE

2 (Dishonesty, Fraud or Deceit)

3 40. Respondent's advanced emission specialist license is subject to
4 disciplinary action under Health and Safety Code section 44072.2(d) in that Respondent
5 committed acts involving dishonesty, fraud or deceit whereby another is injured by charging for
6 and receiving payment to replace the direct ignition system module assembly on the 1988
7 Chevrolet Celebrity, when in fact, it was in good working order and did not need to be replaced.

8 PRAYER

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

- 11 1. Revoking or suspending Automotive Repair Dealer Registration License
12 Number AF189579 issued to Adel Yousif Awada, Owner, doing business as Discount Auto
13 Service Repair.
- 14 2. Revoking or suspending Smog Check Station License Number RF 189579
15 issued to Adel Yousif Awada, Owner, doing business as Discount Auto Service Repair.
- 16 3. Revoking or suspending Advanced Emission Specialist License Number
17 EA 142043 issued to Adel Yousif Awada
- 18 4. Ordering Adel Yousif Awada, Owner, doing business as Discount Auto
19 Service Repair to pay the Director of Consumer Affairs the reasonable costs of the investigation
20 and enforcement of this case, pursuant to Business and Professions Code section 125.3;
- 21 5. Taking such other and further action as deemed necessary and proper.

22 DATED: 8-30-02

23 RICHARD K. MUNDY
FOR PATRICK DORAIS

24 
25 PATRICK DORAIS
26 Acting Chief
27 Bureau of Automotive Repair
28 Department of Consumer Affairs
State of California
Complainant