

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

In the Matter of the Accusation Against:

**SAM'S COMPLETE AUTO REPAIR AND  
SMOG, DBA**

**SAM'S COMPLETE AUTO REPAIR & SMOG**  
718 S. 9th Street

Modesto, CA 95351

Mailing Address:

2025 Waterfall Court  
Modesto, CA 95351

**AMARJIT SINGH, PRESIDENT**

Automotive Repair Dealer Registration No.  
ARD 227163

Smog Check Station License No.  
RC 227163

Lamp Station License No. LS 227163,  
Class A

Brake Station License No. BS 227163,  
Class C

**AMARJIT SINGH**

2025 Waterfall Court  
Modesto, CA 95351

Advanced Emission Specialist Technician  
License No. EA 030749

Brake Adjuster License No. BA 030749,  
Class C

Lamp Adjuster License No. LA 030749,  
Class A

**KEVIN S. PARMAN**

3404 Bridlepath Lane  
Modesto, CA 95356

Advanced Emission Specialist Technician  
License No. EA 154653

Brake Adjuster License No. BA 154653,  
Class C

Lamp Adjuster License No. LA 154653,  
Class A

Case No. 79/12-63

OAH No. 2011120402

Respondent.

**DECISION**

The attached Stipulated Settlement and Withdrawal of Accusation Against Respondent Kevin Parman and Issuance of Citation 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 Kevin S. Parman, Advanced Emission Specialist Technician license No. EA 154653, Brake Adjuster License No. BA 154653, Class C, and Lamp Adjuster License No. LA 154653, Class A.

This Decision shall become effective

May 19, 2014

DATED: APR 28 2014

  
DONALD CHANG  
Assistant Chief Counsel  
Department of Consumer Affairs

1 KAMALA D. HARRIS  
2 Attorney General of California  
3 JANICE K. LACHMAN  
4 Supervising Deputy Attorney General  
5 KAREN R. DENVIR  
6 Deputy Attorney General  
7 State Bar No. 197268  
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11 Telephone: (916) 324-5333  
12 Facsimile: (916) 327-8643  
13 *Attorneys for Complainant*

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

In the Matter of the Accusation Against:

Case No. 79/12-63

OAH No. 2011120402

SAM'S COMPLETE AUTO REPAIR AND  
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718 S. 9th Street  
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AMARJIT SINGH, PRESIDENT  
Automotive Repair Dealer Registration No.  
ARD 227163  
Smog Check Station License No. RC 227163  
Lamp Station License No. LS 227163, Class  
A  
Brake Station License No. BS 227163, Class  
C

STIPULATED SETTLEMENT AND  
WITHDRAWAL OF ACCUSATION  
AGAINST RESPONDENT KEVIN  
PARMAN AND ISSUANCE OF  
CITATION

AMARJIT SINGH  
2025 Waterfall Court  
Modesto, CA 95351  
Advanced Emission Specialist Technician  
License  
No. EA 030749  
Brake Adjuster License No. BA 030749,  
Class C  
Lamp Adjuster License No. LA 030749,  
Class A

1 KEVIN S. PARMAN  
2 3404 Bridlepath Lane  
3 Modesto, CA 95356  
4 Advanced Emission Specialist Technician  
5 License  
6 No. EA 154653  
7 Brake Adjuster License No. BA 154653,  
8 Class C  
9 Lamp Adjuster License No. LA 154653,  
10 Class A

11 Respondent.

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

14 **PARTIES**

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

18 2. Respondent KEVIN PARMAN (Respondent) is represented in this proceeding by  
19 attorney William Dean Ferreira, Esq., whose address is: 582 Market Street, Suite 1608  
20 San Francisco, CA 94104.

21 3. On or about August 11, 2008, the Bureau of Automotive Repair issued Advanced  
22 Emission Specialist Technician License No. EA 154653 to KEVIN PARMAN (Respondent). The  
23 Advanced Emission Specialist Technician License was in full force and effect at all times relevant  
24 to the charges brought in Accusation No. 79/12-63 and will expire on November 30, 2012, unless  
25 renewed.

26 4. On a date uncertain in 2007, the Bureau of Automotive Repair issued Brake Adjuster  
27 License No. BA 154653 to KEVIN PARMAN (Respondent). The Brake Adjuster License was in  
28 full force and effect at all times relevant to the charges brought in Accusation No. 79/12-63 and  
will expire on November 30, 2015, unless renewed.

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1       5. On a date uncertain in 2007, the Bureau of Automotive Repair issued Lamp Adjuster  
2 License No. LA 154653 to KEVIN PARMAN (Respondent). The Lamp Adjuster License was in  
3 full force and effect at all times relevant to the charges brought in Accusation No. 79/12-63 and  
4 will expire on November 30, 2015, unless renewed.

## **JURISDICTION**

6       6.     Accusation No. 79/12-63 was filed before the Director of Consumer Affairs  
7 (Director), for the Bureau of Automotive Repair (Bureau), and is currently pending against  
8 Respondents. The Accusation and all other statutorily required documents were properly served  
9 on Respondents on March 7, 2012. Respondent timely filed his Notice of Defense contesting the  
10 Accusation.

11 A copy of Accusation No. 79/12-63 is attached as exhibit A and incorporated herein by  
12 reference.

## **ADVISEMENT AND WAIVERS**

14       7. Respondent has carefully read, fully discussed with counsel, and understands the  
15 charges and allegations in Accusation No. 79/12-63. Respondent has also carefully read, fully  
16 discussed with counsel, and understands the effects of this Stipulated Settlement.

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

24       9.    Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
25    every right set forth above.

## CONTINGENCY

27 10. By signing the stipulation, the parties understand and agree that they may not  
28 withdraw their agreement or seek to rescind the stipulation.

1       11. The parties understand and agree that facsimile copies of this Stipulated Settlement,  
2 including facsimile signatures thereto, shall have the same force and effect as the originals.

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

9       13. The parties agree on the following resolution of the matter.

10       RESOLUTION

11       14. Complainant shall withdraw the pending accusation against Respondent Kevin Parman  
12 only, and, in place of the accusation, issue a citation to Respondent Parman under Business and  
13 Professions Code section 125.9 on the following terms.

14       (A) Respondent shall be cited for violations of Health and Safety Code section 44012,  
15               subdivision (a), and California Code of Regulations, title 16, section 3340.30,  
16               subdivision (a);

17       (B) The citation shall charge that the violations occurred on or about March 23, 2011 in  
18               Modesto, California regarding a smog inspection Respondent performed and the  
19               subsequent Certificate of Compliance, No. [REDACTED], that Respondent issued.

20       (C) The citation shall require completion of an eight (8) hour Bureau approved training  
21               course that must be completed within thirty (30) days of the issuance of the citation;  
22               and

23       (D) Respondent shall not appeal or contest the citation.

24       ///

25       ///

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### ACCEPTANCE

I have carefully read and understand the above Stipulated Settlement and have fully discussed it with my attorney, William Dean Ferreira, Esq.. I enter into this Stipulated Settlement voluntarily, knowingly, and intelligently, and agree to be bound by its terms.

DATED:

10-31-2012

KEVIN PARMAN  
Respondent

9 I have read and fully discussed with Respondent KEVIN PARMAN the terms and  
10 conditions and other matters contained in the above Stipulated Settlement. I approve its form and  
11 content.

DATED:

11/11/12

William Dean Ferreira, Esq.  
Attorney for Respondent

**ACCEPTANCE ON BEHALF OF COMPLAINANT**

16 I have discussed the terms and conditions of the above Stipulated Settlement with  
17 Complainant or Complainant's designee and agree to the stipulation on Complainant's behalf.

18

Dated: 2/26/13

Respectfully submitted

KAMALA D. HARRIS  
Attorney General of California  
JANICE K. LACHMAN  
Supervising Deputy Attorney General

Karen De Meir

KAREN R. DENVER  
Deputy Attorney General  
Attorneys for Complainant

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SA2011103282

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**STIPULATED SETTLEMENT (79/12-63)**

**Exhibit A**

**Accusation No. 79/12-63**

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1 KAMALA D. HARRIS  
2 Attorney General of California  
3 ARTHUR D. TAGGART  
4 Supervising Deputy Attorney General  
5 KAREN R. DENVER  
6 Deputy Attorney General  
7 State Bar No. 197268  
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Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

**BEFORE THE  
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FOR THE BUREAU OF AUTOMOTIVE REPAIR  
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11 | In the Matter of the Accusation Against:

Case No. 79/12-63

12 SAM'S COMPLETE AUTO REPAIR AND SMOG, DBA  
13 SAM'S COMPLETE AUTO REPAIR & SMOG  
14 718 S. 9th Street  
15 Modesto, CA 95351  
16 Mailing Address:  
17 2025 Waterfall Court  
Modesto, CA 95351  
AMARJIT SINGH, PRESIDENT  
Automotive Repair Dealer Registration No. ARD 227163  
Smog Check Station License No. RC 227163  
Lamp Station License No. LS 227163, Class A  
Brake Station License No. BS 227163, Class C

## ACCUSATION

### SMOG CHECK

23 KEVIN S. PARMAN  
3404 Bridlepath Lane  
Modesto, CA 95356  
24 Advanced Emission Specialist Technician License  
No. EA 154653  
25 Brake Adjuster License No. BA 154653, Class C  
Lamp Adjuster License No. LA 154653, Class A

### Respondents.

1 Complainant alleges:

2 **PARTIES**

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

5 **Automotive Repair Dealer Registration**

6 2. On a date uncertain in 2003, the Bureau issued Automotive Repair Dealer  
7 Registration Number ARD 227163 ("registration") to Sam's Complete Auto Repair and Smog,  
8 ("Respondent Sam's"), doing business as Sam's Complete Auto Repair & Smog with Amarjit  
9 Singh as President. The registration was in full force and effect at all times relevant to the  
10 charges brought herein and will expire on April 30, 2012, unless renewed.

11 **Smog Check Station License**

12 3. On or about November 3, 2003, the Bureau issued Smog Check Station License  
13 Number RC 227163 ("station license") to Respondent Sam's. The station license was in full  
14 force and effect at all times relevant to the charges brought herein and will expire on April 30,  
15 2012, unless renewed.

16 **Lamp Station License**

17 4. On or about November 4, 2003, the Bureau issued Lamp Station License Number LS  
18 227163, Class A ("lamp station license") to Respondent Sam's. The lamp station license was in  
19 full force and effect at all times relevant to the charges brought herein and will expire on April 30,  
20 2012, unless renewed.

21 **Brake Station License**

22 5. On or about November 4, 2003, the Bureau issued Brake Station License Number BS  
23 227163, Class C ("brake station license") to Respondent Sam's. The brake station license was in  
24 full force and effect at all times relevant to the charges brought herein and will expire on April 30,  
25 2012, unless renewed.

26 **Advanced Emission Specialist Technician License**

27 6. On a date uncertain in 1997, the Bureau issued Advanced Emission Specialist  
28 Technician License Number EA 030749 ("technician license") to Amarjit Singh ("Respondent

1 Singh"). The technician license was in full force and effect at all times relevant to the charges  
2 brought herein and will expire on July 31, 2013, unless renewed.

3                   **Brake Adjuster License**

4           7. On a date uncertain in 1993, the Bureau issued Brake Adjuster License Number BA  
5 030749, Class C ("brake adjuster license") to Respondent Singh. The brake adjuster license was  
6 in full force and effect at all times relevant to the charges brought herein and will expire on July  
7 31, 2013, unless renewed.

8                   **Lamp Adjuster License**

9           8. On a date uncertain in 1997, the Bureau issued Lamp Adjuster License Number LA  
10 030749, Class A ("lamp adjuster license") to Respondent Singh. The lamp adjuster license was in  
11 full force and effect at all times relevant to the charges brought herein and will expire on July 31,  
12 2013, unless renewed.

13                   **Advanced Emission Specialist Technician License**

14           9. On or about August 11, 2008, the Bureau issued Advanced Emission Specialist  
15 Technician License Number EA 154653 ("technician license") to Kevin S. Parman ("Respondent  
16 Parman"). The technician license was in full force and effect at all times relevant to the charges  
17 brought herein and will expire on November 30, 2012, unless renewed.

18                   **Brake Adjuster License**

19           10. On a date uncertain in 2007, the Bureau issued Brake Adjuster License Number BA  
20 154653, Class C ("brake adjuster license") to Respondent Parman. The brake adjuster license  
21 was in full force and effect at all times relevant to the charges brought herein and will expire on  
22 November 30, 2015, unless renewed.

23                   **Lamp Adjuster License**

24           11. On a date uncertain in 2007, the Bureau issued Lamp Adjuster License Number LA  
25 154653, Class A ("lamp adjuster license") to Respondent Parman. The lamp adjuster license was  
26 in full force and effect at all times relevant to the charges brought herein and will expire on  
27 November 30, 2015, unless renewed.

28                   ///

## **STATUTORY PROVISIONS**

2       12. Section 9884.7 of the Business and Professions Code ("Code") states, in pertinent  
3 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.

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

(4) Any other conduct that constitutes fraud.

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

13. Code section 118, subdivision (b) states:

25 14. Code section 9884.9 states, in pertinent part:

26 (a) The automotive repair dealer shall give to the customer a written  
27 estimated price for labor and parts necessary for a specific job. No work shall be done  
28 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

1 obtained at some time after it is determined that the estimated price is insufficient and  
2 before the work not estimated is done or the parts not estimated are supplied. Written  
3 consent or authorization for an increase in the original estimated price may be  
4 provided by electronic mail or facsimile transmission from the customer. The bureau  
5 may specify in regulation the procedures to be followed by an automotive repair  
dealer if 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, and shall  
do either of the following:

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

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

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

12 (signature or initials)"

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

18       16. Code section 477 provides, in pertinent part, that "Board" includes "bureau,"  
19 "commission," "committee," "department," "division," "examining committee," "program," and  
20 "agency." "License" includes certificate, registration or other means to engage in a business or  
21 profession regulated by the Code.

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

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

1           19. Code section 9889.3 states, in pertinent part:

2           The director may suspend, revoke, or take other disciplinary action  
3           against a license as provided in this article [Article 7 (commencing with section  
4           9889.1) of the Automotive Repair Act] if the licensee or any partner, officer, or  
5           director thereof:

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

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

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

12           20. Code section 9887.1 states, in pertinent part:

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

20           21. Code section 9888.3 states:

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

26           22. Code section 9889.9 states that "[w]hen any license has been revoked or suspended  
27           following a hearing under the provisions of this article [Article 7 (commencing with section  
28           9889.1) of the Automotive Repair Act], any additional license issued under Articles 5 and 6 of  
29           this chapter in the name of the licensee may be likewise revoked or suspended by the director."

30           23. Section 44002 of the Health and Safety Code provides, in pertinent part, that the  
31           Director has all the powers and authority granted under the Automotive Repair Act for enforcing  
32           the Motor Vehicle Inspection Program.

33           24. Section 44072.2 of the Health and Safety Code states, in pertinent part:

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

37           ///

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

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

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

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

10 26. Section 44072.8 of the Health and Safety Code states:

When a license has been revoked or suspended following a hearing under this article, any additional license issued under this chapter in the name of the licensee may be likewise revoked or suspended by the director.

## **COST RECOVERY**

14       27. Code section 125.3 provides, in pertinent part, that a Board may request the  
15 administrative law judge to direct a licensee found to have committed a violation or violations of  
16 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
17 enforcement of the case.

**UNDERCOVER OPERATION – MARCH 23, 2011**

19       28. On or about March 23, 2011, a Bureau undercover operator drove a Bureau-  
20 documented 2001 Ford Focus to Respondent Sam's facility and requested brake, lamp, and smog  
21 inspections. The vehicle could not pass the functional portion of a smog inspection because the  
22 vehicle's malfunction indicator light ("MIL") was inoperative. The vehicle was also unable to  
23 pass the brake inspection because the right and left rear brake drums were oversized. Further, the  
24 vehicle could not pass the lamp inspection because the headlights were out of adjustment. The  
25 operator signed a work order/estimate but was not provided with a copy of that document prior to  
26 the inspections.

27        29. Respondent Singh performed the brake and lamp inspections and issued Lamp  
28 Certificate No. [REDACTED], certifying that the lamps were in satisfactory condition and Brake

1      Certificate No. [REDACTED] certifying that the brake system was in satisfactory condition. In  
2      fact, the headlights were out of adjustment and the right and left rear brake drums were oversized.

3      30. Respondent Parman performed the smog inspection and issued electronic Certificate  
4      of Compliance No. [REDACTED] for that vehicle, certifying that the vehicle was in compliance with  
5      applicable laws and regulations; however, the vehicle's MIL was inoperative. The operator paid  
6      \$110 for the inspections and received a copy of Invoice No. [REDACTED] and the Vehicle Inspection  
7      Report ("VIR").

8      **FIRST CAUSE FOR DISCIPLINE**

9      (Misleading Statements)

10     31. Respondent Sam's has subjected its registration to discipline under Code section  
11     9884.7, subdivision (a)(1), in that on or about March 23, 2011, regarding the 2001 Ford Focus, it  
12     made statements which it knew or which by exercise of reasonable care it should have known  
13     were untrue or misleading, as follows:

14     a. Respondent Sam's issued electronic Certificate of Compliance No. [REDACTED]  
15     certifying that the vehicle was in compliance with applicable laws and regulations when, in fact,  
16     the vehicle's MIL was inoperable.

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

20     c. Respondent Sam's issued Lamp Certificate No. [REDACTED], certifying that the lamp  
21     system was in satisfactory condition when, in fact, the headlights were out of adjustment.

22     **SECOND CAUSE FOR DISCIPLINE**

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

24     32. Respondent Sam's has subjected its registration to discipline under Code section  
25     9884.7, subdivision (a)(3), in that on or about March 23, 2011, Respondent Sam's failed to  
26     provide the operator with a copy of the work order as soon as she signed the document.

27     ///

28     ///

### **THIRD CAUSE FOR DISCIPLINE**

(Fraud)

3       33. Respondent Sam's has subjected its registration to discipline under Code section  
4       9884.7, subdivision (a)(4), in that on or about March 23, 2011, regarding the 2001 Ford Focus, it  
5       received \$110 for certificates of compliance that should not have been issued, constituting acts  
6       involving fraud, as follows:

7 a. Respondent Sam's issued electronic Certificate No. [REDACTED] without performing a  
8 bona fide inspection of the emission control devices and systems on that vehicle, thereby  
9 depriving the People of the State of California of the protection afforded by the Motor Vehicle  
10 Inspection Program.

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

14 c. Respondent Sam's issued Lamp Certificate No. [REDACTED] certifying that the lamp  
15 system was in satisfactory condition when, in fact, the headlights were out of adjustment.

## **FOURTH CAUSE FOR DISCIPLINE**

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

18       34. Respondent Sam's has subjected its registration to discipline under Code section  
19 9884.7, subdivision (a)(6), in that on or about March 23, 2011, it failed to comply with section  
20 9884.9, subdivision (a) of that Code by failing to provide the operator with a written estimated  
21 price for a specific job prior to commencement of the inspections.

## **FIFTH CAUSE FOR DISCIPLINE**

**(Violation of the Motor Vehicle Inspection Program)**

24       35. Respondent Sam's has subjected its station license to discipline under Health and  
25 Safety Code section 44072.2, subdivision (a), in that on or about March 23, 2011, regarding the  
26 2001 Ford Focus, it violated sections of that Code, as follows:

27 | //

28 | //

1 a. Section 44012, subdivision (a): Respondent Sam's failed to determine that all  
2 emission control devices and systems required by law were installed and functioning correctly in  
3 accordance with test procedures.

4 b. **Section 44012, subdivision (f):** Respondent Sam's failed to perform emission  
5 control tests on that vehicle in accordance with procedures prescribed by the department.

6 c. Section 44015, subdivision (b): Respondent Sam's issued electronic Certificate of  
7 Compliance No. [REDACTED] without properly testing and inspecting the vehicle to determine if it  
8 was in compliance with section 44012 of that Code.

## **SIXTH CAUSE FOR DISCIPLINE**

**(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

36. Respondent Sam's has subjected its station license to discipline under Health and Safety Code section 44072.2, subdivision (c), in that on or about March 23, 2011, regarding the 2001 Ford Focus, it violated sections of the California Code of Regulations, title 16, as follows:

14 a. Section 3340.35, subdivision (c): Respondent Sam's issued electronic Certificate of  
15 Compliance No. [REDACTED] even though that vehicle had not been inspected in accordance with  
16 section 3340.42 of that Code.

17 b. **Section 3340.42:** Respondent Sam's failed to conduct the required smog tests and  
18 inspections on that vehicle in accordance with the Bureau's specifications.

## **SEVENTH CAUSE FOR DISCIPLINE**

**(Dishonesty, Fraud or Deceit)**

21       37. Respondent Sam's has subjected its station license to discipline under Health and  
22 Safety Code section 44072.2, subdivision (d), in that on or about March 23, 2011, regarding the  
23 2001 Ford Focus, it committed acts involving dishonesty, fraud or deceit whereby another was  
24 injured by issuing electronic Certificate of Compliance No. [REDACTED] for that vehicle without  
25 performing a bona fide inspection of the emission control devices and systems on the vehicle,  
26 thereby depriving the People of the State of California of the protection afforded by the Motor  
27 Vehicle Inspection Program.

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## **EIGHTH CAUSE FOR DISCIPLINE**

**(Violations of the Motor Vehicle Inspection Program)**

3       38. Respondent Parman has subjected his technician license to discipline under Health  
4 and Safety Code section 44072.2, subdivision (a), in that on or about March 23, 2011, regarding  
5 the 2001 Ford Focus, he violated sections of that Code, as follows:

6 a. Section 44012, subdivision (a): Respondent Parman failed to determine that all  
7 emission control devices and systems required by law were installed and functioning correctly in  
8 accordance with test procedures.

9       b. **Section 44012, subdivision (f):** Respondent Parman failed to perform emission  
10 control tests on that vehicle in accordance with procedures prescribed by the department.

11 c. Section 44032: Respondent Parman failed to perform tests of the emission control  
12 devices and systems on that vehicle in accordance with section 44012 of that Code.

## **NINTH CAUSE FOR DISCIPLINE**

**(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

15       39. Respondent Parman has subjected his technician license to discipline under Health  
16 and Safety Code section 44072.2, subdivision (c), in that on or about March 23, 2011, regarding  
17 the 2001 Ford Focus, he violated sections of the California Code of Regulations, title 16, as  
18 follows:

19 a. Section 3340.30, subdivision (a): Respondent Parman failed to inspect and test that  
20 vehicle in accordance with Health and Safety Code section 44012.

21 b. Section 3340.41, subdivision (c): Respondent Parman entered false information into  
22 the Emission Inspection System for electronic Certificate of Compliance No. [REDACTED] by  
23 entering "Pass" for the functional inspection when, in fact, the vehicle could not pass the  
24 inspection because the vehicle's MIL was inoperable.

25 c. Section 3340.42: Respondent Parman failed to conduct the required smog tests and  
26 inspections on that vehicle in accordance with the Bureau's specifications.

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## **TENTH CAUSE FOR DISCIPLINE**

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

3       40. Respondent Parman has subjected his technician license to discipline under Health  
4 and Safety Code section 44072.2, subdivision (d), in that on or about March 23, 2011, regarding  
5 the 2001 Ford Focus, he committed acts involving dishonesty, fraud or deceit whereby another  
6 was injured by issuing electronic Certificate of Compliance No. [REDACTED] without performing a  
7 bona fide inspection of the emission control devices and systems on that vehicle, thereby  
8 depriving the People of the State of California of the protection afforded by the Motor Vehicle  
9 Inspection Program.

## **ELEVENTH CAUSE FOR DISCIPLINE**

### **(Violations of Regulations)**

12       41. Respondent Sam's registration is subject to discipline under Code section 9884.7,  
13 subdivision (a)(6), in that Respondent Sam's failed to comply with provisions of California Code  
14 of Regulations, title 16, in the following material respects:

15 a. **Section 3305, subdivision (a):** Respondent Sam's failed to perform the inspection of  
16 the brake system and inspection and adjustment of the lighting system on the Bureau's 2001 Ford  
17 Focus in accordance with the specifications, instructions, and directives issued by the Bureau and  
18 the vehicle manufacturer.

19 b. **Section 3316, subdivision (d)(2):** Respondent Sam's issued Lamp Certificate No.  
20 [REDACTED] as to the Bureau's 2001 Ford Focus when the headlights were out of adjustment and  
21 not in compliance with Bureau regulations.

22 c. Section 3321, subdivision (c)(2): Respondent Sam's issued Brake Certificate No.  
23 [REDACTED] as to the Bureau's 2001 Ford Focus when the brake system on the vehicle had not  
24 been completely tested or inspected.

## TWELFTH CAUSE FOR DISCIPLINE

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

27       42. Respondent Sam's brake and lamp station licenses are subject to discipline under  
28 Code section 9889.3, subdivision (c), in that Respondent Sam's failed to comply with the

1 provisions of California Code of Regulations, title 16, sections 3305, subdivision (a), 3316,  
2 subdivision (d)(2), and 3321, subdivision (c)(2), as set forth in paragraph 41, above.

3 **THIRTEENTH CAUSE FOR DISCIPLINE**

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

5 43. Respondent Sam's brake and lamp station licenses are subject to discipline under  
6 Code section 9889.3, subdivision (d), in that Respondent Sam's committed acts involving  
7 dishonesty, fraud, or deceit whereby another was injured, as set forth in paragraph 40, above.

8 **FOURTEENTH CAUSE FOR DISCIPLINE**

9 **(Violations of Regulations)**

10 44. Respondent Singh's brake and lamp adjuster licenses are subject to discipline under  
11 Code section 9889.3, subdivision (c), in that he failed to comply with the provisions of California  
12 Code of Regulations, title 16, sections 3305, subdivision (a), 3316, subdivision (d)(2), and 3321,  
13 subdivision (c)(2), as set forth in paragraph 41, above.

14 **UNDERCOVER OPERATION – APRIL 20, 2011**

15 45. On or about April 20, 2011, a Bureau undercover operator drove a Bureau-  
16 documented 1993 Toyota pickup to Respondent Sam's facility and requested brake, lamp, and  
17 smog inspections. The vehicle could not pass the functional portion of a smog inspection because  
18 the vehicle's ignition timing was adjusted beyond the manufacturer's specifications. The vehicle  
19 was also unable to pass the brake inspection because the right and left rear brake drums were  
20 oversized. Further, the vehicle could not pass the lamp inspection because the headlights were  
21 out of adjustment. The operator signed a work order/estimate but was not provided with a copy  
22 of that document prior to the inspections.

23 46. Respondent Singh performed the brake and lamp inspections and informed the  
24 operator that the vehicle did not pass the lamp inspection because the backup lights were not  
25 working. No certificate was issued. Respondent Singh issued Brake Certificate No. [REDACTED]  
26 certifying that the brake system was in satisfactory condition and that the vehicle had been road-  
27 tested. In fact, the rear right and left brake drums were oversized and the vehicle had not been  
28 road tested.

1       47. Respondent Singh performed the smog inspection and issued electronic Certificate of  
2 Compliance No. [REDACTED] for that vehicle, certifying that the vehicle was in compliance with  
3 applicable laws and regulations; however, during the smog inspection, Respondent Singh adjusted  
4 the ignition timing and informed the operator that he had done so. The operator paid \$100 for the  
5 inspections and received a copy of Invoice No. [REDACTED] and the VIR.

6       48. On or about April 27, 2011, another Bureau undercover operator, returned the vehicle  
7 to Respondent Sam's facility for a lamp reinspection. The operator did not sign nor was she  
8 provided with an estimate prior to the inspection. Respondent Singh performed the inspection  
9 and issued Lamp Certificate No. [REDACTED] certifying that the lamp system was satisfactory  
10 when, in fact, the headlights were still out of adjustment. The operator was not charged for the  
11 inspection.

## **FIFTEENTH CAUSE FOR DISCIPLINE**

### **(Misleading Statements)**

49. Respondent Sam's has subjected its registration to discipline under Code section 9884.7, subdivision (a)(1), in that regarding the 1993 Toyota pickup, it made statements which it knew or which by exercise of reasonable care it should have known were untrue or misleading, as follows:

18 a. On or about April 20, 2011, Respondent Sam's issued electronic Certificate of  
19 Compliance No. [REDACTED], certifying that the vehicle was in compliance with applicable laws  
20 and regulations; however, Respondent Singh adjusted the ignition timing during the smog  
21 inspection, it is unknown whether the vehicle would pass if the timing had been adjusted prior to  
22 the inspection and then the smog inspection was performed again with the adjusted timing.

23 b. On or about April 20, 2011, Respondent Sam's issued Brake Certificate No.  
24 [REDACTED] certifying that the brake system on that vehicle was in satisfactory condition and that  
25 the vehicle had been road-tested when, in fact, the right and left rear brake drums were oversized  
26 and the vehicle had not been road tested.

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1 c. On or about April 27, 2011, Respondent Sam's issued Lamp Certificate No.  
2 [REDACTED], certifying that the lamp system was in satisfactory condition when, in fact, the  
3 headlights were out of adjustment.

## **SIXTEENTH CAUSE FOR DISCIPLINE**

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

6       50. Respondent Sam's has subjected its registration to discipline under Code section  
7 9884.7, subdivision (a)(3), in that on or about April 20, 2011, Respondent failed to provide the  
8 operator with a copy of the work order as soon as he signed the document.

## **SEVENTEENTH CAUSE FOR DISCIPLINE**

**(Fraud)**

51. Respondent Sam's has subjected its registration to discipline under Code section  
9884.7, subdivision (a)(4), in that, regarding the 1993 Toyota pickup, it received \$100 for  
certificates of compliance that should not have been issued, constituting acts involving fraud, as  
follows:

15 a. On or about April 20, 2011, Respondent Sam's issued electronic Certificate No.  
16 [REDACTED], without performing a bona fide inspection of the emission control devices and  
17 systems on that vehicle, thereby depriving the People of the State of California of the protection  
18 afforded by the Motor Vehicle Inspection Program.

19 b. On or about April 20, 2011, Respondent Sam's issued Brake Certificate No.  
20 [REDACTED] certifying that the brake system on that vehicle was in satisfactory condition and that  
21 the vehicle had been road tested when, in fact, the right and left rear brake drums were oversized  
22 and the vehicle had not been road-tested.

23 c. On or about April 27, 2011, Respondent Sam's issued Lamp Certificate No.  
24 [REDACTED], certifying that the lamp system was in satisfactory condition when, in fact, the  
25 headlights were out of adjustment.

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## **EIGHTEENTH CAUSE FOR DISCIPLINE**

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

3       52. Respondent Sam's has subjected its registration to discipline under Code section  
4       9884.7, subdivision (a)(6), in that it failed to comply with section 9884.9, subdivision (a) of that  
5       Code, as follows:

6 a. On or about April 20, 2011, Respondent failed to provide the operator with a written  
7 estimated price for a specific job prior to commencement the inspections.

8 b. On or about April 27, 2011, Respondent failed to provide the operator with a written  
9 estimated price for a specific job prior to commencement of the lamp inspection.

## **NINETEENTH CAUSE FOR DISCIPLINE**

**(Violation of the Motor Vehicle Inspection Program)**

12       53. Respondent Sam's has subjected its station license to discipline under Health and  
13 Safety Code section 44072.2, subdivision (a), in that on or about April 20, 2011, regarding the  
14 1993 Toyota pickup, it violated sections of that Code, as follows:

15 a. **Section 44012, subdivision (a):** Respondent Sam's failed to determine that all  
16 emission control devices and systems required by law were installed and functioning correctly in  
17 accordance with test procedures.

18 b. **Section 44012, subdivision (f):** Respondent Sam's failed to perform emission  
19 control tests on that vehicle in accordance with procedures prescribed by the department.

20 c. Section 44015, subdivision (b): Respondent Sam's issued electronic Certificate of  
21 Compliance No. [REDACTED] without properly testing and inspecting the vehicle to determine if it  
22 was in compliance with section 44012 of that Code.

## **TWENTIETH CAUSE FOR DISCIPLINE**

**(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

54. Respondent Sam's has subjected its station license to discipline under Health and Safety Code section 44072.2, subdivision (c), in that on or about April 20, 2011, regarding the 1993 Toyota pickup, it violated sections of the California Code of Regulations, title 16, as follows:

1 a. Section 3340.35, subdivision (c): Respondent Sam's issued electronic Certificate of  
2 Compliance No. [REDACTED] even though that vehicle had not been inspected in accordance with  
3 section 3340.42 of that Code.

4 b. Section 3340.42: Respondent Sam's failed to conduct the required smog tests and  
5 inspections on that vehicle in accordance with the Bureau's specifications.

## **TWENTY-FIRST CAUSE FOR DISCIPLINE**

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

8        55. Respondent Sam's has subjected its station license to discipline under Health and  
9 Safety Code section 44072.2, subdivision (d), in that on or about April 20, 2011, regarding the  
10 1993 Toyota pickup, it committed acts involving dishonesty, fraud or deceit thereby another was  
11 injured by issuing electronic Certificate of Compliance No. [REDACTED] for that vehicle without  
12 performing a bona fide inspection of the emission control devices and systems on the vehicle,  
13 thereby depriving the People of the State of California of the protection afforded by the Motor  
14 Vehicle Inspection Program.

## **TWENTY-SECOND CAUSE FOR DISCIPLINE**

**(Violations of the Motor Vehicle Inspection Program)**

17       56. Respondent Singh has subjected his technician license to discipline under Health and  
18 Safety Code section 44072.2, subdivision (a), in that on or about April 20, 2011, regarding the  
19 1993 Toyota pickup, he violated sections of that Code, as follows:

20 a. **Section 44012, subdivision (a):** Respondent Singh failed to determine that all  
21 emission control devices and systems required by law were installed and functioning correctly in  
22 accordance with test procedures.

23 b. Section 44012, subdivision (f): Respondent Singh failed to perform emission control  
24 tests on that vehicle in accordance with procedures prescribed by the department.

25 c. Section 44032: Respondent Singh failed to perform tests of the emission control  
26 devices and systems on that vehicle in accordance with section 44012 of that Code.

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### **TWENTY-THIRD CAUSE FOR DISCIPLINE**

**(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

3       57. Respondent Singh has subjected his technician license to discipline under Health and  
4 Safety Code section 44072.2, subdivision (c), in that on or about April 20, 2011, regarding the  
5 1993 Toyota pickup, he violated sections of the California Code of Regulations, title 16, as  
6 follows:

7       a. **Section 3340.30, subdivision (a):** Respondent Singh failed to inspect and test that  
8 vehicle in accordance with Health and Safety Code section 44012.

9       b. **Section 3340.42:** Respondent Singh failed to conduct the required smog tests and  
10 inspections on that vehicle in accordance with the Bureau's specifications.

## **TWENTY-FOURTH CAUSE FOR DISCIPLINE**

**(Dishonesty, Fraud or Deceit)**

13       58. Respondent Singh has subjected his technician license to discipline under Health and  
14 Safety Code section 44072.2, subdivision (d), in that on or about April 20, 2011, regarding the  
15 1993 Toyota pickup, he committed acts involving dishonesty, fraud or deceit whereby another  
16 was injured by issuing electronic Certificate of Compliance No. [REDACTED] without performing a  
17 bona fide inspection of the emission control devices and systems on that vehicle, thereby  
18 depriving the People of the State of California of the protection afforded by the Motor Vehicle  
19 Inspection Program.

## **TWENTY-FIFTH CAUSE FOR DISCIPLINE**

#### **(Violations of Regulations)**

22       59. Respondent Sam's registration is subject to discipline under Code section 9884.7,  
23 subdivision (a)(6), in that Respondent Sam's failed to comply with provisions of California Code  
24 of Regulations, title 16, in the following material respects:

25 a. **Section 3305, subdivision (a):** Respondent Sam's failed to perform the inspection of  
26 the brake system and inspection and adjustment of the lighting system on the Bureau's 1993  
27 Toyota pickup in accordance with the specifications, instructions, and directives issued by the  
28 Bureau and the vehicle manufacturer.

1                   b.    Section 3316, subdivision (d)(2): Respondent Sam's issued Lamp Certificate No.  
2                   [REDACTED] as to the Bureau's 1993 Toyota pickup when the headlights were out of adjustment  
3                   and not in compliance with Bureau regulations.

4                   c.    Section 3321, subdivision (c)(2): Respondent Sam's issued Brake Certificate No.  
5                   [REDACTED] as to the Bureau's 1993 Toyota pickup when the brake system on the vehicle had not  
6                   been completely tested or inspected nor had the vehicle been road tested.

7                   **TWENTY-SIXTH CAUSE FOR DISCIPLINE**

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

9                   60.    Respondent Sam's brake and lamp station licenses are subject to discipline under  
10                   Code section 9889.3, subdivision (c), in that Respondent Sam's failed to comply with the  
11                   provisions of California Code of Regulations, title 16, sections 3305, subdivision (a), 3316,  
12                   subdivision (d)(2), and 3321, subdivision (c)(2), as set forth in paragraph 59, above.

13                   **TWENTY-SEVENTH CAUSE FOR DISCIPLINE**

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

15                   61.    Respondent Sam's brake and lamp station licenses are subject to discipline under  
16                   Code section 9889.3, subdivision (d), in that Respondent Sam's committed acts involving  
17                   dishonesty, fraud, or deceit whereby another was injured, as set forth in paragraph 60, above.

18                   **TWENTY-EIGHTH CAUSE FOR DISCIPLINE**

19                   **(Violations of Regulations)**

20                   62.    Respondent Singh's brake and lamp adjuster licenses are subject to discipline under  
21                   Code section 9889.3, subdivision (c), in that he failed to comply with the provisions of California  
22                   Code of Regulations, title 16, sections 3305, subdivision (a), 3316, subdivision (d)(2), and 3321,  
23                   subdivision (c)(2), as set forth in paragraph 59, above.

24                   **UNDERCOVER OPERATION – JULY 7, 2011**

25                   63.    On or about July 7, 2011, a Bureau undercover operator drove a Bureau-documented  
26                   2002 Ford Mustang to Respondent Sam's facility and requested brake, lamp, and smog  
27                   inspections. The vehicle could not pass the functional portion of a smog inspection because the  
28                   vehicle's MIL was inoperative. The vehicle was also unable to pass the brake inspection because

1 the right front brake rotor and left rear brake rotor needed to be replaced. Further, the vehicle  
2 could not pass the lamp inspection because the headlights were out of adjustment. The operator  
3 signed a work order/estimate but was not provided with a copy of that document prior to the  
4 inspections.

5 64. Respondent Parman performed the brake and lamp inspections and issued Lamp  
6 Certificate No. [REDACTED], certifying that the lamps were in satisfactory condition. In fact, the  
7 headlights were out of adjustment. The operator was informed by an employee that the vehicle  
8 did not pass the brake inspection because the front rotors needed to be replaced; however, the  
9 operator declined the repair.

10 65. Respondent Singh performed the smog inspection and issued electronic Certificate of  
11 Compliance No. [REDACTED] for that vehicle, certifying that the vehicle was in compliance with  
12 applicable laws and regulations; however, the vehicle's MIL was inoperative. The operator paid  
13 \$100 for the inspections and received a copy of Invoice No. [REDACTED] and the VIR.

14 **TWENTY-NINTH CAUSE FOR DISCIPLINE**

15 **(Misleading Statements)**

16 66. Respondent Sam's has subjected its registration to discipline under Code section  
17 9884.7, subdivision (a)(1), in that on or about July 7, 2011, regarding the 2002 Ford Mustang, it  
18 made statements which it knew or which by exercise of reasonable care it should have known  
19 were untrue or misleading, as follows:

20 a. Respondent Sam's issued electronic Certificate of Compliance No. [REDACTED]  
21 certifying that the vehicle was in compliance with applicable laws and regulations when, in fact,  
22 the vehicle's MIL was inoperative.

23 b. Respondent Sam's issued Lamp Certificate No. [REDACTED], certifying that the lamp  
24 system was in satisfactory condition when, in fact, the headlights were out of adjustment.

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## **THIRTIETH CAUSE FOR DISCIPLINE**

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

3       67. Respondent Sam's has subjected its registration to discipline under Code section  
4 9884.7, subdivision (a)(3), in that on or about July 7, 2011, Respondent failed to provide the  
5 operator with a copy of the work order as soon as he signed the document.

## **THIRTY-FIRST CAUSE FOR DISCIPLINE**

(Fraud)

8       68. Respondent Sam's has subjected its registration to discipline under Code section  
9 9884.7, subdivision (a)(4), in that on or about July 7, 2011, regarding the 2002 Ford Mustang, it  
10 received \$100 for certificates of compliance that should not have been issued, constituting acts  
11 involving fraud, as follows:

12 a. Respondent Sam's issued electronic Certificate No. [REDACTED] without performing a  
13 bona fide inspection of the emission control devices and systems on that vehicle, thereby  
14 depriving the People of the State of California of the protection afforded by the Motor Vehicle  
15 Inspection Program.

16 b. Respondent Sam's issued Lamp Certificate No. [REDACTED] certifying that the lamp  
17 system was in satisfactory condition when, in fact, the headlights were out of adjustment.

## **THIRTY-SECOND CAUSE FOR DISCIPLINE**

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

20        69. Respondent Sam's has subjected its registration to discipline under Code section  
21 9884.7, subdivision (a)(6), in that on or about July 7, 2011, it failed to comply with section  
22 9884.9, subdivision (a) of that Code by failing to provide the operator with a written estimated  
23 price for a specific job prior to commencing the inspections.

## **THIRTY-THIRD CAUSE FOR DISCIPLINE**

**(Violation of the Motor Vehicle Inspection Program)**

26       70. Respondent Sam's has subjected its station license to discipline under Health and  
27 Safety Code section 44072.2, subdivision (a), in that on or about July 7, 2011, regarding the 2002  
28 Ford Mustang, it violated sections of that Code, as follows:

1       a. **Section 44012, subdivision (a):** Respondent Sam's failed to determine that all  
2       emission control devices and systems required by law were installed and functioning correctly in  
3       accordance with test procedures.

4 b. **Section 44012, subdivision (f):** Respondent Sam's failed to perform emission  
5 control tests on that vehicle in accordance with procedures prescribed by the department.

6 c. Section 44015, subdivision (b): Respondent Sam's issued electronic Certificate of  
7 Compliance No. [REDACTED] without properly testing and inspecting the vehicle to determine if it  
8 was in compliance with section 44012 of that Code.

## **THIRTY-FOURTH CAUSE FOR DISCIPLINE**

**(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

11       71. Respondent Sam's has subjected its station license to discipline under Health and  
12 Safety Code section 44072.2, subdivision (c), in that on or about July 7, 2011, regarding the 2002  
13 Ford Mustang, it violated sections of the California Code of Regulations, title 16, as follows:

14 a. Section 3340.35, subdivision (c): Respondent Sam's issued electronic Certificate of  
15 Compliance No. [REDACTED] even though that vehicle had not been inspected in accordance with  
16 section 3340.42 of that Code.

17 b. **Section 3340.42:** Respondent Sam's failed to conduct the required smog tests and  
18 inspections on that vehicle in accordance with the Bureau's specifications.

## **THIRTY-FIFTH CAUSE FOR DISCIPLINE**

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

21       72. Respondent Sam's has subjected its station license to discipline under Health and  
22 Safety Code section 44072.2, subdivision (d), in that on or about July 7, 2011, regarding the 2002  
23 Ford Mustang, it committed acts involving dishonesty, fraud or deceit thereby another was  
24 injured by issuing electronic Certificate of Compliance No. [REDACTED] for that vehicle without  
25 performing a bona fide inspection of the emission control devices and system on the vehicle,  
26 thereby depriving the People of the State of California of the protection afforded by the Motor  
27 Vehicle Inspection Program.

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## **THIRTY-SIXTH CAUSE FOR DISCIPLINE**

**(Violations of the Motor Vehicle Inspection Program)**

3       73. Respondent Singh has subjected his technician license to discipline under Health and  
4 Safety Code section 44072.2, subdivision (a), in that on or about July 7, 2011, regarding the 2002  
5 Ford Mustang, he violated sections of that Code, as follows:

6       a. **Section 44012, subdivision (a):** Respondent Singh failed to determine that all  
7 emission control devices and systems required by law were installed and functioning correctly in  
8 accordance with test procedures.

9       b. **Section 44012, subdivision (f):** Respondent Singh failed to perform emission control  
10 tests on that vehicle in accordance with procedures prescribed by the department.

11 c. Section 44032: Respondent Singh failed to perform tests of the emission control  
12 devices and systems on that vehicle in accordance with section 44012 of that Code.

## **THIRTY-SEVENTH CAUSE FOR DISCIPLINE**

**(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

15       74. Respondent Singh has subjected his technician license to discipline under Health and  
16 Safety Code section 44072.2, subdivision (c), in that on or about July 7, 2011, regarding the 2002  
17 Ford Mustang, he violated sections of the California Code of Regulations, title 16, as follows:

18 a. Section 3340.30, subdivision (a): Respondent Singh failed to inspect and test that  
19 vehicle in accordance with Health and Safety Code section 44012.

20 b. Section 3340.41, subdivision (c): Respondent Singh entered false information into  
21 the Emission Inspection System for electronic Certificate of Compliance No. [REDACTED] by  
22 entering "Pass" for the functional inspection when, in fact, the vehicle could not pass the  
23 inspection because the vehicle's MIL was inoperable.

24 c. Section 3340.42: Respondent Singh failed to conduct the required smog tests and  
25 inspections on that vehicle in accordance with the Bureau's specifications.

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## **THIRTY-EIGHTH CAUSE FOR DISCIPLINE**

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

3       75. Respondent Singh has subjected his technician license to discipline under Health and  
4 Safety Code section 44072.2, subdivision (d), in that on or about July 7, 2011, regarding the 2002  
5 Ford Mustang, he committed acts involving dishonesty, fraud or deceit whereby another was  
6 injured by issuing electronic Certificate of Compliance No. [REDACTED] without performing a bona  
7 fide inspection of the emission control devices and systems on that vehicle, thereby depriving the  
8 People of the State of California of the protection afforded by the Motor Vehicle Inspection  
9 Program.

## THIRTY-NINTH CAUSE FOR DISCIPLINE

**(Violations of Regulations)**

12        76. Respondent Sam's registration is subject to discipline under Code section 9884.7,  
13 subdivision (a)(6), in that Respondent Sam's failed to comply with provisions of California Code  
14 of Regulations, title 16, in the following material respects:

15 a. **Section 3305, subdivision (a):** Respondent Sam's failed to perform the inspection of  
16 the brake system and inspection and adjustment of the lighting system on the Bureau's 2002 Ford  
17 Mustang in accordance with the specifications, instructions, and directives issued by the Bureau  
18 and the vehicle manufacturer.

19 b. Section 3316, subdivision (d)(2): Respondent Sam's issued Lamp Certificate No.  
20 [REDACTED] as to the Bureau's 2002 Ford Mustang when the headlights were out of adjustment  
21 and not in compliance with Bureau regulations.

## **FORTIETH CAUSE FOR DISCIPLINE**

**(Failure to Comply with Regulations)**

24       77. Respondent Sam's brake and lamp station licenses are subject to discipline under  
25 Code section 9889.3, subdivision (c), in that Respondent Sam's failed to comply with the  
26 provisions of California Code of Regulations, title 16, sections 3305, subdivision (a), and 3316,  
27 subdivision (d)(2), as set forth in paragraph 76, above.

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## **FORTY-FIRST CAUSE FOR DISCIPLINE**

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

3       78. Respondent Sam's brake and lamp station licenses are subject to discipline under  
4       Code section 9889.3, subdivision (d), in that Respondent Sam's committed acts involving  
5       dishonesty, fraud, or deceit whereby another was injured, as set forth in paragraph 75, above.

## **FORTY-SECOND CAUSE FOR DISCIPLINE**

**(Violations of Regulations)**

8       79. Respondent Singh's brake and lamp adjuster licenses are subject to discipline under  
9 Code section 9889.3, subdivision (c), in that he failed to comply with the provisions of California  
10 Code of Regulations, title 16, sections 3305, subdivision (a), and 3316, subdivision (d)(2), as set  
11 forth in paragraph 76, above.

## **OTHER MATTERS**

13       80. Pursuant to Code section 9884.7, subdivision (c), the Director may suspend, revoke or  
14 place on probation the registration for all places of business operated in this state by Respondent  
15 Sam's Complete Auto Repair and Smog, upon a finding that Respondent has, or is, engaged in a  
16 course of repeated and willful violations of the laws and regulations pertaining to an automotive  
17 repair dealer.

18        81. Pursuant to Health & Safety Code section 44072.8, if Smog Check Test & Repair  
19 Station License Number RC 227163, issued to Respondent Sam's Complete Auto Repair and  
20 Smog, is revoked or suspended, any additional license issued under Chapter 5 of the Health &  
21 Safety Code in the name of said licensee may be likewise revoked or suspended by the Director.

22        82. Pursuant to Code section 9889.9, if Lamp Station License Number  
23 LS 227163, Class A, issued to Respondent Sam's Complete Auto Repair and Smog is revoked or  
24 suspended, any additional license issued under Articles 5 and 6 of Chapter 20.3 of Code in the  
25 name of said licensee may be likewise revoked or suspended by the Director.

26 83. Pursuant to Code section 9889.9, if Brake Station License Number BS 227163, Class  
27 C, issued to Respondent Sam's Complete Auto Repair and Smog, is revoked or suspended, any

28 | //

1 additional license issued under Articles 5 and 6 of Chapter 20.3 of that Code in the name of said  
2 licensee may be likewise revoked or suspended by the Director.

3       84. Pursuant to Health & Safety Code section 44072.8, if Advanced Emission Specialist  
4 Technician License Number EA 030749, issued to Respondent Amarjit Singh, is revoked or  
5 suspended, any additional license issued under Chapter 5 of the Health & Safety Code in the  
6 name of said licensee may be likewise revoked or suspended by the Director.

7       85. Pursuant to Code section 9889.9, if Brake Adjuster License Number BA 030749,  
8 Class C, issued to Respondent Amarjit Singh, is revoked or suspended, any additional license  
9 issued under Articles 5 and 6 of Chapter 20.3 of that Code in the name of said licensee may be  
10 likewise revoked or suspended by the Director.

11       86. Pursuant to Code section 9889.9, if Lamp Adjuster License Number LA 030749,  
12 Class A, issued to Respondent Amarjit Singh, is revoked or suspended, any additional license  
13 issued under Articles 5 and 6 of Chapter 20.3 of that Code in the name of said licensee may be  
14 likewise revoked or suspended by the Director.

15       87. Pursuant to Health & Safety Code section 44072.8, if Advanced Emission Specialist  
16 Technician License Number EA 154653, issued to Respondent Kevin S. Parman, is revoked or  
17 suspended, any additional license issued under Chapter 5 of the Health & Safety Code in the  
18 name of said licensee may be likewise revoked or suspended by the Director.

19       88. Pursuant to Code section 9889.9, if Brake Adjuster License Number BA 154653,  
20 Class C, issued to Respondent Kevin S. Parman, is revoked or suspended, any additional license  
21 issued under Articles 5 and 6 of Chapter 20.3 of that Code in the name of said licensee may be  
22 likewise revoked or suspended by the Director.

23       89. Pursuant to Code section 9889.9, if Lamp Adjuster License Number LA 154653,  
24 Class A, issued to Respondent Kevin S. Parman, is revoked or suspended, any additional license  
25 issued under Articles 5 and 6 of Chapter 20.3 of that Code in the name of said licensee may be  
26 likewise revoked or suspended by the Director.

27       ///  
28       ///

## PRAYER.

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

4 1. Revoking, suspending, or placing on probation Automotive Repair Dealer  
5 Registration Number ARD 227163, issued to Sam's Complete Auto Repair and Smog, doing  
6 business as Sam's Auto Repair & Smog;

7       2. Revoking, suspending, or placing on probation any other automotive repair dealer  
8 registration issued to Sam's Complete Auto Repair and Smog;

9       3. Revoking or suspending Smog Check Station License Number RC 227163, issued to  
10      Sam's Complete Auto Repair and Smog, doing business as Sam's Complete Auto Repair &  
11      Smog;

12       4. Revoking or suspending any additional license issued under Chapter 5 of the Health  
13 and Safety Code in the name of Sam's Complete Auto Repair and Smog;

14 5. Revoking or suspending Lamp Station License Number LS 227163, Class A, issued  
15 to Sam's Complete Auto Repair and Smog, doing business as Sam's Complete Auto Repair &  
16 Smog;

17       6. Revoking or suspending Lamp Station License Number BS 227163, Class C, issued  
18 to Sam's Complete Auto Repair and Smog, doing business as Sam's Complete Auto Repair &  
19 Smog;

20       7. Revoking or suspending any additional license issued under Articles 5 and 6 of  
21 Chapter 20.3 of the Business and Professions Code in the name of Sam's Complete Auto Repair  
22 and Smog;

23 8. Revoking or suspending Advanced Emission Specialist Technician License Number  
24 EA 030749, issued to Amarjit Singh;

25        9. Revoking or suspending any additional license issued under Chapter 5 of the Health  
26 and Safety Code in the name of Amarjit Singh;

27 10. Revoking or suspending Lamp Adjuster License Number LA 030749, Class A, issued  
28 to Amarjit Singh;

11. Revoking or suspending Brake Adjuster License Number BA 030749, Class C, issued  
2 to Amarjit Singh;
- 3 12. Revoking or suspending any additional license issued under Articles 5 and 6 of  
4 Chapter 20.3 of the Business and Professions Code in the name of Amarjit Singh;
- 5 13. Revoking or suspending Advanced Emission Specialist Technician License Number  
6 EA 154653, issued to Kevin S Parman;
- 7 14. Revoking or suspending any additional license issued under Chapter 5 of the Health  
8 and Safety Code in the name of Kevin S. Parman;
- 9 15. Revoking or suspending Lamp Adjuster License Number LA 154653, Class A, issued  
10 to Kevin S. Parman;
- 11 16. Revoking or suspending Brake Adjuster License Number BA 154653, Class C, issued  
12 to Kevin S. Parman;
- 13 17. Revoking or suspending any additional license issued under Articles 5 and 6 of  
14 Chapter 20.3 of the Business and Professions Code in the name of Kevin S. Parman;
- 15 18. Ordering Sam's Complete Auto Repair and Smog, Amarjit Singh, and Kevin S.  
16 Parman to pay the Bureau of Automotive Repair the reasonable costs of the investigation and  
17 enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
- 18 19. Taking such other and further action as deemed necessary and proper.

20 DATED: 2/27/12 21 John Wallauch by S. Noyes  
22 JOHN WALLAUCH S. G. Balatti  
23 Chief Ass't. Chief  
Bureau of Automotive Repair  
Department of Consumer Affairs  
State of California  
Complainant

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