

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

In the Matter of the Accusation Against:

**AUTOLIFE ACQUISITION CORP.,
dba TUNE UP MASTERS
LEE I. RICHMAN, President**
7720 Rosemead Blvd.
Pico Rivera, CA 90660

Mailing Address:
1120 Sycamore Ave., Ste. 2B
Vista, CA 92081

Automotive Repair Dealer Registration
No. ARD 245236
Smog Check Station License No. RC 245236

SERGIO SOLIS
1033 S. Garfield Avenue, #C
Alhambra, CA 91801-4711

Advanced Emission Specialist Technician
License No. EA 018810

and

FRANCISCO M. MORENO
10460 Agate Avenue
Mentone, CA 92359

Advanced Emission Specialist Technician
License No. EA 039568

Respondents.

Case No. 79/09-34

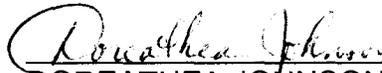
OAH No. L-2009090074

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby accepted and adopted as the Decision of the Director of the Department of Consumer Affairs in the above-entitled matter only as to respondent Sergio Solis, Advanced Emission Specialist Technician License No. EA 018810.

This Decision shall become effective 7/18/11.

DATED: June 13, 2011



DOREATHEA JOHNSON
Deputy Director, Legal Affairs
Department of Consumer Affairs

1 EDMUND G. BROWN JR.
Attorney General of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 ALVARO MEJIA
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4 State Bar No. 216956
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Attorneys for Complainant
7

8
9 **BEFORE THE**
DEPARTMENT OF CONSUMER AFFAIRS
10 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**
STATE OF CALIFORNIA
11

12 In the Matter of the Accusation Against:

13 **SERGIO SOLIS**
14 **1033 S. Garfield Avenue, Apt. C**
Alhambra, CA 91801

15 **Advanced Emission Specialist Technician**
16 **License No. EA 018810**

17 Respondent.

Case No. 79/09-34

OAH No. L-2009090074

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

18
19 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
20 entitled proceedings that the following matters are true:

21 **PARTIES**

22 1. Sherry Mehl ("Complainant") is the Chief of the Bureau of Automotive Repair. She
23 brought this action solely in her official capacity and is represented in this matter by Edmund G.
24 Brown Jr., Attorney General of the State of California, by Alvaro Mejia, Deputy Attorney
25 General.

26 2. Respondent Sergio Solis ("Respondent") is representing himself in this proceeding
27 and has chosen not to exercise his right to be represented by counsel.

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Exhibit A

Accusation No. 79/09-34

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 GREGORY J. SALUTE
Supervising Deputy Attorney General
3 ALVARO MEJIA, State Bar No. 216956
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4 300 So. Spring Street, Suite 1702
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6 Attorneys for Complainant
7
8

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

12 In the Matter of the Accusation Against:
13 AUTOLIFE ACQUISITION CORP.,
dba TUNEUP MASTERS
14 LEE RICHMAN, PRESIDENT
7720 Rosemead Blvd.
15 Pico Rivera, CA 90660
16 Mailing Address:
1120 Sycamore Avenue, Suite #2B
17 Vista, CA 92081
18 Automotive Repair Dealer Reg. No. ARD 245236
Smog Check Station License No. RC 245236,
19
20 SERGIO SOLIS
1033 S. Garfield Avenue, #C
Alhambra, CA 91801-4711
21
22 Advanced Emission Specialist Technician License
No. EA 018810,
23 and
24 FRANCISCO M. MORENO
10460 Agate Avenue
25 Mentone, CA 92359
26 Advanced Emission Specialist Technician License
No. EA 039568
27

Case No. 79/09-34

A C C U S A T I O N

SMOG CHECK

28 Respondents.

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Complainant alleges:

PARTIES

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

Automotive Repair Dealer Registration No. AC 245236

2. On or about May 11, 2006, the Director of Consumer Affairs (“Director”) issued Automotive Repair Dealer Registration Number AC 245236 to Autolife Acquisition Corp. (“Respondent Autolife”), doing business as Tuneup Masters, with Lee Richman as president. Respondent’s automotive repair dealer registration expired on May 31, 2008.

Smog Check Station License No. RC 245236

3. On or about May 19, 2006, the Director issued Smog Check Station License Number RC 245236 to Respondent Autolife. Respondent’s smog check station license expired on May 31, 2008.

Advanced Emission Specialist Technician License No. EA 018810

4. In or about 1996, the Director issued Advanced Emission Specialist Technician License Number EA 018810 to Sergio Solis (“Respondent Solis” or “Solis”). Respondent’s advanced emission specialist technician license will expire on January 31, 2009, unless renewed.

Advanced Emission Specialist Technician License No. EA 039568

5. In or about 1996, the Director issued Advanced Emission Specialist Technician License Number EA 039568 to Francisco M. Moreno (“Respondent Moreno” or “Moreno”). Respondent’s advanced emission specialist technician license will expire on June 30, 2010, unless renewed.

JURISDICTION

6. Business and Professions Code (“Bus. & Prof. Code”) section 9884.7 provides that the Director may invalidate an automotive repair dealer registration.

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1 (c) Notwithstanding subdivision (b), the director may refuse to
2 validate, or may invalidate temporarily or permanently, the registration
3 for all places of business operated in this state by an automotive repair
4 dealer upon a finding that the automotive repair dealer has, or is, engaged
5 in a course of repeated and willful violations of this chapter, or regulations
6 adopted pursuant to it.

7 11. Bus. & Prof. Code section 9884.8 states, in pertinent part, that “[a]ll work
8 done by an automotive repair dealer, including all warranty work, shall be recorded on an invoice
9 and shall describe all service work done and parts supplied . . .”

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

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

27 13. Bus. & Prof. Code section 477 provides, in pertinent part, that “Board”
28 includes “bureau,” “commission,” “committee,” “department,” “division,” “examining
committee,” “program,” and “agency.” “License” includes certificate, registration or other
means to engage in a business or profession regulated by the Bus. & Prof. Code.

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

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

(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.

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

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

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

8 **COST RECOVERY**

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

13 **UNDERCOVER OPERATION #1: 1992 CHEVROLET S10 PICKUP**

14 17. On November 6, 2007, Bureau Representative Arnulfo Santana
15 (“Santana”), acting in an undercover capacity and using the alias “Louie Hernandez”, took the
16 Bureau’s 1992 Chevrolet S10 pickup to Respondent Autolife’s facility and requested a smog
17 inspection. A defective coolant temperature sensor (“CTS”) had been installed in the Bureau-
18 documented vehicle, causing the vehicle to fail an emissions test as a gross polluter. Respondent
19 Solis told Santana that the smog inspection cost \$55. Santana asked Solis to check the vehicle
20 before conducting the official smog inspection. Solis stated that he would perform a “pre-test”
21 inspection for \$46.75 and that Santana would have to pay for both the pre-test and the official
22 smog inspection once the vehicle passed. Santana signed and received a copy of a written
23 estimate, then left the facility.

24 18. At approximately 1130 hours that same day, Santana telephoned the
25 facility and spoke with Solis. Solis told Santana that the vehicle failed the pre-test and needed a
26 diagnosis for an additional \$75. Santana authorized the diagnosis. At approximately 1300 hours,
27 Solis called Santana and told him that vehicle needed a new CTS and oxygen sensor. Solis also
28 recommended a fuel injection cleaning. Santana asked Solis if the vehicle needed all of the work
to pass the smog inspection. Solis stated that the CTS and oxygen sensor needed replacement for

1 the vehicle to pass, but the fuel injection cleaning was only recommended. Solis told Santana
2 that it would cost a total of \$359.98 plus tax for the repairs, including the fuel injection cleaning,
3 which Santana authorized.

4 19. On November 7, 2007, Santana returned to the facility and met with Solis.
5 Santana asked Solis who performed the work. Solis stated that he performed the smog inspection
6 and the repairs himself. Santana paid the facility \$369.88 and received copies of an invoice and
7 vehicle inspection reports ("VIR") for the pre-test inspection and official smog inspection.

8 20. On November 28, 2007, Bureau Representative Paul Stump inspected the
9 vehicle and found that the oxygen sensor had been replaced when, in fact, the only repair needed
10 was the replacement of the defective CTS.

11 **FIRST CAUSE FOR DISCIPLINE**

12 **(Untrue or Misleading Statements)**

13 21. Respondent Autolife's automotive repair dealer registration is subject to
14 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(1), in that
15 Respondent made or authorized a statement which it knew or in the exercise of reasonable care
16 should have known to be untrue or misleading. Respondent Autolife's technician, Respondent
17 Solis, represented to Bureau Representative Santana that the Bureau's 1992 Chevrolet S10
18 pickup needed a new oxygen sensor. In fact, the oxygen sensor was not in need of replacement.
19 Further, the only repair needed on the vehicle was the replacement of the defective CTS.

20 **SECOND CAUSE FOR DISCIPLINE**

21 **(Fraud)**

22 22. Respondent Autolife's automotive repair dealer registration is subject to
23 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(4), in that
24 Respondent committed an act constituting fraud, as follows: Respondent Autolife's technician,
25 Respondent Solis, made a false or misleading representation to Bureau Representative Santana
26 regarding the Bureau's 1992 Chevrolet S10 pickup, as set forth in paragraph 21 above, in order to
27 induce Santana to purchase an unnecessary repair on the vehicle, i.e., the replacement of the
28 oxygen sensor, then sold Santana the unnecessary repair.

1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Departure From Trade Standards)**

3 23. Respondent Autolife's automotive repair dealer registration is subject to
4 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(7), in that
5 Respondent willfully departed from or disregarded accepted trade standards for good and
6 workmanlike repair without the consent of the owner or the owner's duly authorized
7 representative, in a material respect, as follows: Respondent Autolife's technician, Respondent
8 Solis, failed to properly repair the Bureau's 1992 Chevrolet S10 pickup by replacing the oxygen
9 sensor on the vehicle when, in fact, that emission control system component was not in need of
10 replacement.

11 **FOURTH CAUSE FOR DISCIPLINE**

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

13 24. Respondent Autolife's smog check station license is subject to disciplinary
14 action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that Respondent failed
15 to comply with section 44016 of that Code by failing to perform the repairs on the Bureau's 1992
16 Chevrolet S10 pickup in accordance with established specifications and procedures.

17 **FIFTH CAUSE FOR DISCIPLINE**

18 **(Failure to Comply with Regulations Pursuant
19 to the Motor Vehicle Inspection Program)**

20 25. Respondent Autolife's smog check station license is subject to disciplinary
21 action pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that Respondent failed
22 to comply with Regulation 3340.41 by failing to follow applicable specifications and procedures
23 when performing the repairs on the Bureau's 1992 Chevrolet S10 pickup.

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1 **SIXTH CAUSE FOR DISCIPLINE**

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

3 26. Respondent Autolife's smog check station license is subject to disciplinary
4 action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent
5 committed a dishonest, fraudulent, or deceitful act whereby another is injured, as follows:
6 Respondent Autolife's technician, Respondent Solis, made a false or misleading representation to
7 Bureau Representative Santana regarding the Bureau's 1992 Chevrolet S10 pickup, as set forth in
8 paragraph 21 above, in order to induce Santana to purchase an unnecessary repair on the vehicle,
9 i.e., the replacement of the oxygen sensor, then sold Santana the unnecessary repair.

10 **SEVENTH CAUSE FOR DISCIPLINE**

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

12 27. Respondent Solis' advanced emission specialist technician license is
13 subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in
14 that Respondent failed to comply with section 44016 of that Code by failing to perform the
15 repairs on the Bureau's 1992 Chevrolet S10 pickup in accordance with established specifications
16 and procedures.

17 **EIGHTH CAUSE FOR DISCIPLINE**

18 **(Failure to Comply with Regulations Pursuant
19 to the Motor Vehicle Inspection Program)**

20 28. Respondent Solis' advanced emission specialist technician license is
21 subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (c), in
22 that Respondent failed to comply with Regulation 3340.41 by failing to follow applicable
23 specifications and procedures when diagnosing the cause of the emissions failure and performing
24 the repairs on the Bureau's 1992 Chevrolet S10 pickup .

25 **NINTH CAUSE FOR DISCIPLINE**

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

27 29. Respondent Solis' advanced emission specialist technician license is
28 subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in

1 that Respondent committed a dishonest, fraudulent, or deceitful act whereby another is injured,
2 as follows: Respondent made a false or misleading representation to Bureau Representative
3 Santana regarding the Bureau's 1992 Chevrolet S10 pickup, as set forth in paragraph 21 above,
4 in order to induce Santana to purchase an unnecessary repair on the vehicle, i.e., the replacement
5 of the oxygen sensor, then sold Santana the unnecessary repair.

6 **UNDERCOVER OPERATION #2: 1997 PONTIAC GRAND AM**

7 30. On November 27, 2007, Bureau Representative Louie Aguilar ("Aguilar"),
8 acting in an undercover capacity and using the alias "Louis Cavazos", took the Bureau's 1997
9 Pontiac Grand Am to Respondent Autolife's facility and requested a smog inspection. A
10 defective #1 spark plug was installed in the Bureau-documented vehicle, causing the engine to
11 misfire at all times, resulting in the setting of a diagnostic trouble code, and causing the
12 malfunction indicator light to illuminate at all times, and the vehicle to fail an emissions test as a
13 gross polluter. In addition, the #4 spark plug wire was not within manufacturer's specifications
14 and needed replacement. Aguilar advised Respondent Moreno that the vehicle was shaking a lot
15 and the "check engine" light was flashing. Moreno told Aguilar that he had to check the problem
16 before testing the vehicle and that it would cost \$75 for the diagnosis. Aguilar signed and
17 received a written estimate for the diagnosis, then left the facility.

18 31. At approximately 1120 hours that same day, Aguilar received a telephone
19 call from Respondent Autolife's manager, Dionicio Carrada ("Carrada"). Carrada told Aguilar
20 that the vehicle needed a new ignition coil, positive crankcase ventilation (PCV) valve, fuel
21 filter, and fuel injection system cleaning service, for a total of \$346.59. Aguilar asked Carrada if
22 all of these items were needed for the vehicle to pass the smog test. Carrada assured Aguilar that
23 all of the work was required for the vehicle to pass the smog check inspection. Aguilar
24 authorized the repairs.

25 32. At approximately 1445 hours, Moreno called Aguilar and informed him
26 that the vehicle was ready. Moreno also stated that he was unable to perform the smog check
27 inspection because the vehicle must be driven on the freeway and company policy prohibited
28 employees from driving on the freeway.

1 **ELEVENTH CAUSE FOR DISCIPLINE**

2 **(Fraud)**

3 36. Respondent Autolife's automotive repair dealer registration is subject to
4 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(4), in that
5 Respondent committed acts constituting fraud, as follows:

6 a. Respondent Autolife's manager, Carrada, made false or misleading
7 representations to Bureau Representative Aguilar regarding the Bureau's 1997 Pontiac Grand
8 Am, as set forth in subparagraph 35 (a) above, in order to induce Aguilar to purchase
9 unnecessary repairs on the vehicle, then sold Aguilar the unnecessary repairs, including the
10 replacement of the ignition coil, PCV valve, and fuel filter, and the fuel injection system cleaning
11 service.

12 b. Respondent charged and obtained payment from Bureau Representative
13 Aguilar for performing a fuel injection system service or cleaning on the Bureau's 1997 Pontiac
14 Grand Am when, in fact, that service or repair was not performed or needed on the vehicle.

15 **TWELFTH CAUSE FOR DISCIPLINE**

16 **(Departure From Trade Standards)**

17 37. Respondent Autolife's automotive repair dealer registration is subject to
18 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(7), in that
19 Respondent willfully departed from or disregarded accepted trade standards for good and
20 workmanlike repair without the consent of the owner or the owner's duly authorized
21 representative in the following material respects:

22 a. Respondent installed an ignition coil in the Bureau's 1997 Pontiac Grand
23 Am that was not within manufacturer's specifications in that the ignition coil measured 8.58 k
24 ohms when the manufacturer's specifications are 5.00 to 8.00 k ohms.

25 b. Respondent failed to replace the defective #4 spark plug wire in the
26 Bureau's 1997 Pontiac Grand Am.

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1 c. Respondent failed to properly repair the Bureau's 1997 Pontiac Grand Am
2 by replacing the ignition coil, PCV valve, and fuel filter, and performing the fuel injection system
3 cleaning service when, in fact, none of those repairs were needed on the vehicle.

4 **THIRTEENTH CAUSE FOR DISCIPLINE**

5 **(Violations of the Bus. & Prof. Code)**

6 38. Respondent Autolife's automotive repair dealer registration is subject to
7 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(6), in that
8 Respondent failed to comply with provisions of that Code in the following material respects:

9 a. **Section 9884.8:** Respondent failed to record on Invoice # 945809H the
10 replacement of the defective #1 spark plug and the clearing of the diagnostic trouble code P0301
11 in the Bureau's 1997 Pontiac Grand Am.

12 b. **Section 9884.9, subdivision (a):** Respondent replaced the defective #1
13 spark plug and cleared the diagnostic trouble code P0301 in the Bureau's 1997 Pontiac Grand
14 Am without Bureau Representative Aguilar's knowledge or authorization.

15 **FOURTEENTH CAUSE FOR DISCIPLINE**

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

17 39. Respondent Autolife's smog check station license is subject to disciplinary
18 action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that Respondent failed
19 to comply with section 44016 of that Code by failing to perform the repairs on the Bureau's 1997
20 Pontiac Grand Am in accordance with established specifications and procedures.

21 **FIFTEENTH CAUSE FOR DISCIPLINE**

22 **(Failure to Comply with Regulations Pursuant
23 to the Motor Vehicle Inspection Program)**

24 40. Respondent Autolife's smog check station license is subject to disciplinary
25 action pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that Respondent failed
26 to comply with Regulation 3340.41 by failing to follow applicable specifications and procedures
27 when performing the repairs on the Bureau's 1997 Pontiac Grand Am.

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1 **SIXTEENTH CAUSE FOR DISCIPLINE**

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

3 41. Respondent Autolife's smog check station license is subject to disciplinary
4 action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent
5 committed dishonest, fraudulent, or deceitful acts whereby another is injured, as follows:

6 a. Respondent Autolife's manager, Carrada, made false or misleading
7 representations to Bureau Representative Aguilar regarding the Bureau's 1997 Pontiac Grand
8 Am, as set forth in subparagraph 35 (a) above, in order to induce Aguilar to purchase
9 unnecessary repairs on the vehicle, then sold Aguilar the unnecessary repairs, including the
10 replacement of the ignition coil, PCV valve, and fuel filter, and the fuel injection system cleaning
11 service.

12 b. Respondent charged and obtained payment from Bureau Representative
13 Aguilar for performing a fuel injection system service or cleaning on the Bureau's 1997 Pontiac
14 Grand Am when, in fact, that service or repair was not performed or needed on the vehicle.

15 **UNDERCOVER OPERATION #3: 2000 MAZDA PROTEGE**

16 42. On December 11, 2007, an undercover operator with the Bureau, using the
17 alias "Maria Hernandez" (hereinafter "operator"), took the Bureau's 2000 Mazda Protege to
18 Respondent Autolife's facility and requested a smog inspection. An opening was created in the
19 voltage supply circuit to the mass air flow (MAF) sensor on the Bureau-documented vehicle,
20 causing the vehicle to fail a smog inspection due to excessive tailpipe emissions and the
21 malfunction indicator light to illuminate on the dashboard, which initiated a diagnostic trouble
22 code. The operator told Respondent Moreno that the "check engine" light was on and that she
23 wanted to be sure the vehicle would pass the smog inspection. Moreno stated that he would
24 perform a pre-test for \$25. The operator signed and received a copy of a written estimate, then
25 left the facility.

26 43. At approximately 1122 hours that same day, the operator telephoned the
27 facility and spoke with Carrada. Carrada told the operator that the vehicle failed the pre-test and
28 would need a diagnostic test for \$75. The operator authorized the smog failure diagnosis.

1 **EIGHTEENTH CAUSE FOR DISCIPLINE**

2 **(Fraud)**

3 48. Respondent Autolife's automotive repair dealer registration is subject to
4 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(4), in that
5 Respondent committed acts constituting fraud, as follows:

6 a. Respondent Autolife's technician, Respondent Moreno, made false or
7 misleading representations to the operator regarding the Bureau's 2000 Mazda Protege, as set
8 forth in subparagraph 47 (a) above, in order to induce the operator to purchase unnecessary
9 repairs on the vehicle, then sold the operator the unnecessary repairs, including the
10 fuel injection system cleaning and the replacement of the spark plugs and MAF sensor.

11 b. Respondent charged and obtained payment from the operator for
12 performing a fuel injection system cleaning on the Bureau's 2000 Mazda Protege when, in fact,
13 that service or repair was not performed or needed on the vehicle.

14 **NINETEENTH CAUSE FOR DISCIPLINE**

15 **(Departure From Trade Standards)**

16 49. Respondent Autolife's automotive repair dealer registration is subject to
17 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(7), in that
18 Respondent willfully departed from or disregarded accepted trade standards for good and
19 workmanlike repair without the consent of the owner or the owner's duly authorized
20 representative in a material respect, as follows: Respondent failed to properly repair the
21 Bureau's 2000 Mazda Protege by replacing the spark plugs and MAF sensor when, in fact, those
22 parts were not in need of replacement.

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1 **TWENTIETH CAUSE FOR DISCIPLINE**

2 **(Violations of the Bus. & Prof. Code)**

3 50. Respondent Autolife's automotive repair dealer registration is subject to
4 disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(6), in that
5 Respondent failed to comply with provisions of that Code in the following material respects:

6 a. **Section 9884.8:** Respondent failed to record on Invoice # 963663H the
7 repair of the open circuit to the MAF sensor and the clearing of the diagnostic trouble code
8 P0102 on the Bureau's 2000 Mazda Protege.

9 b. **Section 9884.9, subdivision (a):** Respondent repaired the open circuit to
10 the MAF sensor on the Bureau's 2000 Mazda Protege and cleared the diagnostic trouble code
11 P0102 without the operator's knowledge or authorization.

12 **TWENTY-FIRST CAUSE FOR DISCIPLINE**

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

14 51. Respondent Autolife's smog check station license is subject to disciplinary
15 action pursuant to Health & Saf. Code section 44072.2, subdivision (a), in that Respondent failed
16 to comply with section 44016 of that Code by failing to perform the repairs on the Bureau's
17 2000 Mazda Protege in accordance with established specifications and procedures.

18 **TWENTY-SECOND CAUSE FOR DISCIPLINE**

19 **(Failure to Comply with Regulations Pursuant
20 to the Motor Vehicle Inspection Program)**

21 52. Respondent Autolife's smog check station license is subject to disciplinary
22 action pursuant to Health & Saf. Code section 44072.2, subdivision (c), in that Respondent failed
23 to comply with Regulation 3340.41 by failing to follow applicable specifications and procedures
24 when performing the repairs on the Bureau's 2000 Mazda Protege.

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1 **TWENTY-THIRD CAUSE FOR DISCIPLINE**

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

3 53. Respondent Autolife's smog check station license is subject to disciplinary
4 action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent
5 committed dishonest, fraudulent, or deceitful acts whereby another is injured, as follows:

6 a. Respondent Autolife's technician, Respondent Moreno, made false or
7 misleading representations to the operator regarding the Bureau's 2000 Mazda Protege, as set
8 forth in subparagraph 47 (a) above, in order to induce the operator to purchase unnecessary
9 repairs on the vehicle, then sold the operator the unnecessary repairs, including the
10 fuel injection system cleaning and the replacement of the spark plugs and MAF sensor.

11 b. Respondent charged and obtained payment from the operator for
12 performing a fuel injection system cleaning on the Bureau's 2000 Mazda Protege when, in fact,
13 that service or repair was not performed or needed on the vehicle.

14 **TWENTY-FOURTH CAUSE FOR DISCIPLINE**

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

16 54. Respondent Moreno's advanced emission specialist technician license is
17 subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in
18 that Respondent committed a dishonest, fraudulent, or deceitful act whereby another is injured,
19 as follows: Respondent made a false or misleading representation to the operator regarding the
20 Bureau's 2000 Mazda Protege, as set forth in subparagraph 47 (a) above, in order to induce the
21 operator to purchase unnecessary repairs on the vehicle, then sold the operator the unnecessary
22 repairs, including the fuel injection system cleaning and the replacement of the spark plugs and
23 MAF sensor.

24 **OTHER MATTERS**

25 55. Pursuant to Bus. & Prof. Code section 9884.7, subdivision (c), the
26 Director may refuse to validate, or may invalidate temporarily or permanently the registrations
27 for all places of business operated in this state by Respondent Autolife Acquisition Corp., doing
28 business as Tuneup Masters, upon a finding that said Respondent has, or is, engaged in a course

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- 6. Revoking or suspending any additional license issued under Chapter 5 of the Health and Safety Code in the name of Sergio Solis;
- 7. Revoking or suspending Advanced Emission Specialist Technician License Number EA 039568, issued to Francisco M. Moreno;
- 8. Revoking or suspending any additional license issued under Chapter 5 of the Health and Safety Code in the name of Francisco M. Moreno;
- 9. Ordering Respondents Autolife Acquisition Corp., doing business as Tuneup Masters, Sergio Solis, and Francisco M. Moreno to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
- 10. Taking such other and further action as deemed necessary and proper.

DATED: 10-14-08



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

Complainant