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

In the Matter of Second Amended 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 (to be redesignated upon renewal as EO 030749 and/or EI 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 Respondents.	Case No. 79/12-63 OAH No. 2012040083

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. The following typographical errors are noted:

1. Page 2, line 22: "Lamp Station License No. LS 227613" should be "Lamp Station License No. LS 227163".

2. Page 2, line 26: "Brake Station License No. BA 227613" should be "Brake Station License No. BA 227163".

3. Page 3, line 3: The expiration date of Advanced Emission Specialist Technician License Number EA 030749 should be changed from "July 31, 2013" to "July 31, 2017".

4. Page 3, line 9: The expiration date of Lamp Adjuster License Number LA 030749, Class A should be changed from "July 31, 2013" to "July 31, 2017".

This Decision shall become effective SEP 04 2013.

DATED: August 12, 2013

DONALD CHANG
Assistant Chief Counsel
Department of Consumer Affairs

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

In the Matter of the Second Amended 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 (to be redesignated upon renewal as EO 030749 and/or EI 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** Respondents.	Case No. 79/12-63 OAH No. 2012040083 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER**

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

PARTIES

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

2. Respondent Sam's Complete Auto Repair and Smog, Amarjit Singh (Respondent) is represented in this proceeding by attorney William Dean Ferreira, Esq., whose address is: 582 Market Street, Suite 1608, San Francisco, CA 94104.

3. On a date uncertain in 2003, the Bureau of Automotive Repair issued Automotive Repair Dealer Registration No. ARD 227163 to Sam's Complete Auto Repair and Smog, Amarjit Singh (Respondent Sam's) doing business as Sam's Complete Auto Repair & Smog with Amarjit Singh as President. The Automotive Repair Dealer Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 79/12-63 and will expire on April 30, 2014, unless renewed.

4. On or about November 3, 2003, the Bureau of Automotive Repair issued Smog Check Station License No. RC 227163 to Respondent Sam's. The Smog Check Station License was in full force and effect at all times relevant to the charges brought in Accusation No. 79/12-63 and will expire on April 30, 2014, unless renewed.

5. On or about November 4, 2003, the Bureau of Automotive Repair issued Lamp Station License No. LS 227613, Class A, to Respondent Sam's. The Lamp Station License was in full force and effect at all times relevant to the charges brought in Accusation No. 79/12-63 and will expire on April 30, 2014, unless renewed.

6. On or about November 4, 2003, the Bureau of Automotive Repair issued Brake Station License No. BA 227613, Class C, to Respondent Sam's. The Brake Station License was in full force and effect at all times relevant to the charges brought in Accusation No. 79/12-63 and will expire on April 30, 2014, unless renewed.

7. On a date uncertain in 1997, the Bureau issued Advanced Emission Specialist Technician License Number EA 030749 to Amarjit Singh (Respondent Singh). The technician license is due to expire on July 31, 2013.

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

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

JURISDICTION

10. Second Amended Accusation No. 79/12-63 was filed before the Director of Consumer Affairs (Director), for the Bureau of Automotive Repair (Bureau), and is currently pending against Respondent Sam's and Respondent Singh. The Second Amended Accusation and all other statutorily required documents were properly served on Respondent on June 5, 2013. Respondent timely filed its Notice of Defense contesting the Accusation.

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

ADVISEMENT AND WAIVERS

12. Respondents have carefully read, fully discussed with counsel, and understand the charges and allegations in Accusation No. 79/12-63. Respondents have also carefully read, fully discussed with counsel, and understand the effects of this Stipulated Settlement and Disciplinary Order.

13. Respondents are fully aware of their legal rights in this matter, including the right to a hearing on the charges and allegations in the Second Amended Accusation; the right to be represented by counsel at their own expense; the right to confront and cross-examine the witnesses against them; the right to present evidence and to testify on their own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of

documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

14. Respondents voluntarily, knowingly, and intelligently waive and give up each and every right set forth above.

CULPABILITY

15. Respondent admits the truth of each and every charge and allegation in Second Amended Accusation No. 79/12-63.

16. Respondent Sam's agrees that its Automotive Repair Dealer Registration, Smog Check Station License, Lamp Station License, and Brake Station License are subject to discipline and agrees to be bound by the Director's probationary terms as set forth in the Disciplinary Order below. Respondent Singh agrees that his Advanced Emission Specialist License, Brake Adjuster License, and Lamp Adjuster License are subject to discipline and agrees to be bound by the Director's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

17. This stipulation shall be subject to approval by the Director of Consumer Affairs or the Director's designee. Respondents understands and agrees that counsel for Complainant and the staff of the Bureau of Automotive Repair may communicate directly with the Director and staff of the Department of Consumer Affairs regarding this stipulation and settlement, without notice to or participation by Respondents or their counsel. By signing the stipulation, Respondents understand and agree that they may not withdraw its agreement or seek to rescind the stipulation prior to the time the Director considers and acts upon it. If the Director fails to adopt this stipulation as the Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Director shall not be disqualified from further action by having considered this matter.

18. The parties understand and agree that Portable Document Format (PDF) and facsimile copies of this Stipulated Settlement and Disciplinary Order, including Portable Document Format (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals.

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

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

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Automotive Repair Dealer Registration No. ARD 227163, Smog Check Station License RC 227163, Lamp Station License No. LS 227163, and Brake Station License No. BS 227163 issued to Respondent Sam's, and the Advanced Emission Specialist Technician License No. EA 030749, Brake Adjuster License BA 030749, and Lamp Adjuster License No. LA 030749 issued to Respondent Singh, are revoked. However, the revocations are stayed and Respondents are placed on probation for three (3) years on the following terms and conditions.

1. **Obey All Laws.** Respondents must comply with all statutes, regulations and rules governing automotive inspections, estimates and repairs.

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

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

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4. **Random Inspections.** Respondent Sam's must provide Bureau representatives unrestricted access to inspect all vehicles (including parts) undergoing repairs, up to and including the point of completion.

5. **Jurisdiction.** If an accusation is filed against Respondents during the term of probation, the Director of Consumer Affairs shall have continuing jurisdiction over this matter until the final decision on the accusation, and the period of probation shall be extended until such decision.

6. **Violation of Probation.** Should the Director of Consumer Affairs determine that Respondents have failed to comply with the terms and conditions of probation, the Department may, after giving notice and opportunity to be heard, temporarily or permanently invalidate the registration and suspend or revoke the licenses.

7. **Training Course.** During the period of probation, Respondent Singh shall attend and successfully complete a 68 hour Bureau Certified Licensed Inspector Training Course. Said course shall be completed and proof of completion submitted to the Bureau within one hundred eighty (180) days of the effective date of this decision and order. If proof of completion of the course is not furnished to the Bureau within the 180-day period, Respondent Singh's licenses shall be immediately suspended until such proof is received.

8. **Cost Recovery.** Respondents shall pay the Bureau $12,500.00 in costs. Respondent Sam's and Respondent Singh shall be jointly and severally liable for these costs. Payment to the Bureau of the full amount of cost recovery shall be received no later than 6 months before probation terminates. Failure to complete payment of cost recovery within this time frame shall constitute a violation of probation which may subject Respondents' licenses and registration to outright revocation; however, the Director or the Director's Bureau of Automotive Repair designee may elect to continue probation until such time as reimbursement of the entire cost recovery amount has been made to the Bureau.

ACCEPTANCE

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

DATED: 7/30/13

AMARJIT SINGH
Respondent

DATED: 7/30/13

AMARJIT SINGH, PRESIDENT
SAM'S COMPLETE AUTO REPAIR AND SMOG
Respondent

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

DATED: 7/30/13

William Dean Ferreira, Esq.
Attorney for Respondents

ENDORSEMENT

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

Dated: July 30, 2013

Respectfully submitted,

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

Karen Denvir

KAREN R. DENVIR
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Second Amended Accusation No. 79/12-63

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BEFORE THE
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In the Matter of the Second Amended Accusation Against:	Case No. 79/12-63
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 (to be redesignated upon renewal as EO 030749 and/or EI 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** Respondents.	OAH No. 2011120402 **SECOND AMENDED ACCUSATION** **SMOG CHECK**

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Complainant alleges:

PARTIES

1. John Wallauch ("Complainant") brings this Second Amended Accusation solely in his official capacity as the Chief of the Bureau of Automotive Repair ("Bureau"), Department of Consumer Affairs. This Second Amended Accusation replaces in its entirety Accusation No. 79/12-63 filed on February 27, 2012 and First Amended Accusation No. 79/12-63 filed on October 31, 2012.

Automotive Repair Dealer Registration

2. On a date uncertain in 2003, the Bureau issued Automotive Repair Dealer Registration Number ARD 227163 ("registration") to Sam's Complete Auto Repair and Smog, ("Respondent Sam's"), doing business as Sam's Complete Auto Repair & Smog with Amarjit Singh as President. The registration was in full force and effect at all times relevant to the charges brought herein and will expire on April 30, 2014, unless renewed.

Smog Check Station License

3. On or about November 3, 2003, the Bureau issued Smog Check Station License Number RC 227163 ("station license") to Respondent Sam's. The station license was in full force and effect at all times relevant to the charges brought herein and will expire on April 30, 2014, unless renewed.

Lamp Station License

4. On or about November 4, 2003, the Bureau issued Lamp Station License Number LS 227163, Class A ("lamp station license") to Respondent Sam's. The lamp station license was in full force and effect at all times relevant to the charges brought herein and will expire on April 30, 2014, unless renewed.

Brake Station License

5. On or about November 4, 2003, the Bureau issued Brake Station License Number BS 227163, Class C ("brake station license") to Respondent Sam's. The brake station license was in full force and effect at all times relevant to the charges brought herein and will expire on April 30, 2014, unless renewed.

Advanced Emission Specialist Technician License

6. On a date uncertain in 1997, the Bureau issued Advanced Emission Specialist Technician License Number EA 030749 ("technician license") to Amarjit Singh ("Respondent Singh"). The technician license is due to expire on July 31, 2013. Upon renewal of the license, the license will be redesignated as EO 030749 and/or EI 030749.[1]

Brake Adjuster License

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

Lamp Adjuster License

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

Advanced Emission Specialist Technician License

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

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[1] Effective August 1, 2012, California Code of Regulations, title 16, sections 3340.28, 3340.29, and 3340.30 were amended to implement a license restructure from the Advanced Emission Specialist Technician (EA) license and Basic Area (EB) Technician license to Smog Check Inspector (EO) license and/or Smog Check Repair Technician (EI) license.

STATUTORY PROVISIONS

10. Section 9884.7 of the Business and Professions Code ("Code") states, in pertinent part:

> (a) The director, where the automotive repair dealer cannot show there was a bona fide error, may deny, suspend, revoke, or place on probation the registration of an automotive repair dealer for any of the following acts or omissions related to the conduct of the business of the automotive repair dealer, which are done by the automotive repair dealer or any automotive technician, employee, partner, officer, or member of the automotive repair dealer.
>
> (1) Making or authorizing in any manner or by any means whatever any statement written or oral which is untrue or misleading, and which is known, or which by the exercise of reasonable care should be known, to be untrue or misleading.
>
> (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.
>
> (c) Notwithstanding subdivision (b), the director may suspend, revoke, or place on probation the registration for all places of business operated in this state by an automotive repair dealer upon a finding that the automotive repair dealer has, or is, engaged in a course of repeated and willful violations of this chapter, or regulations adopted pursuant to it.

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

> The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.

12. Code section 9884.9 states, in pertinent part:

> (a) The automotive repair dealer shall give to the customer a written estimated price for labor and parts necessary for a specific job. No work shall be done and no charges shall accrue before authorization to proceed is obtained from the customer. No charge shall be made for work done or parts supplied in excess of the estimated price without the oral or written consent of the customer that shall be

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

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

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

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

_____

(signature or initials)"

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

14. Code section 477 provides, in pertinent part, that "Board" 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 Code.

15. 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.

16. 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.

17. Code section 9889.3 states, in pertinent part:

> The director may suspend, revoke, or take other disciplinary action against a license as provided in this article [Article 7 (commencing with section 9889.1) of the Automotive Repair Act] if the licensee or any partner, officer, or director thereof:
>
> (a) Violates any section of the Business and Professions Code which relates to his or her licensed activities.
>
> (c) Violates any of the regulations promulgated by the director pursuant to this chapter.
>
> (h) Violates or attempts to violate the provisions of this chapter relating to the particular activity for which he or she is licensed . . .

18. Code section 9887.1 states, in pertinent part:

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

19. Code section 9888.3 states:

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

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

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

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22. Section 44072.2 of the Health and Safety Code 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.
>
> (c) Violates any of the regulations adopted by the director pursuant to this chapter.
>
> (d) Commits any act involving dishonesty, fraud, or deceit whereby another is injured.

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

24. 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.

25. California Code of Regulations, title 16, section 3340.28, subdivision (e), states that "[u]pon renewal of an unexpired Basic Area Technician license or an Advanced Emission Specialist Technician license issued prior to the effective date of this regulation, the licensee may apply to renew as a Smog Check Inspector, Smog Check Repair Technician, or both.

COST RECOVERY

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

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UNDERCOVER OPERATION – MARCH 23, 2011

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

28. Respondent Singh performed the brake and lamp inspections and issued Lamp Certificate No. [redacted], certifying that the lamps were in satisfactory condition and Brake Certificate No. [redacted], certifying that the brake system was in satisfactory condition. In fact, the headlights were out of adjustment and the right and left rear brake drums were oversized.

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

FIRST CAUSE FOR DISCIPLINE

(Misleading Statements)

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

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

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

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

SECOND CAUSE FOR DISCIPLINE

(Failed to Provide a Copy of a Signed Document)

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

THIRD CAUSE FOR DISCIPLINE

(Fraud)

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

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

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

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

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FOURTH CAUSE FOR DISCIPLINE

(Failure to Provide a Written Estimate)

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

FIFTH CAUSE FOR DISCIPLINE

(Violation of the Motor Vehicle Inspection Program)

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

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

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

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

SIXTH CAUSE FOR DISCIPLINE

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

35. 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:

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

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

SEVENTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud or Deceit)

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

EIGHTH CAUSE FOR DISCIPLINE

(Violations of the Motor Vehicle Inspection Program)

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

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

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

c. **Section 44032**: Respondent Parman failed to perform tests of the emission control 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)

38. Respondent Parman has subjected his technician license to discipline under Health and Safety Code section 44072.2, subdivision (c), in that on or about March 23, 2011, regarding

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the 2001 Ford Focus, he violated sections of the California Code of Regulations, title 16, as follows:

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

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

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

TENTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud or Deceit)

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

ELEVENTH CAUSE FOR DISCIPLINE

(Violations of Regulations)

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

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

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

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

TWELFTH CAUSE FOR DISCIPLINE

(Failure to Comply with Regulations)

41. Respondent Sam's brake and lamp station licenses are subject to discipline under Code section 9889.3, subdivision (c), in that Respondent Sam's failed to comply with the provisions of California Code of Regulations, title 16, sections 3305, subdivision (a), 3316, subdivision (d)(2), and 3321, subdivision (c)(2), as set forth in paragraph 40, above.

THIRTEENTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud, or Deceit)

42. Respondent Sam's brake and lamp station licenses are subject to discipline under Code section 9889.3, subdivision (d), in that Respondent Sam's committed acts involving dishonesty, fraud, or deceit whereby another was injured, as set forth in paragraph 39, above.

FOURTEENTH CAUSE FOR DISCIPLINE

(Violations of Regulations)

43. Respondent Singh's brake and lamp adjuster licenses are subject to discipline under Code section 9889.3, subdivision (c), in that he failed to comply with the provisions of California Code of Regulations, title 16, sections 3305, subdivision (a), 3316, subdivision (d)(2), and 3321, subdivision (c)(2), as set forth in paragraph 40, above.

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UNDERCOVER OPERATION – APRIL 20, 2011

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

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

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

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

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FIFTEENTH CAUSE FOR DISCIPLINE

(Misleading Statements)

48. 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:

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

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

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

SIXTEENTH CAUSE FOR DISCIPLINE

(Failed to Provide a Copy of a Signed Document)

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

SEVENTEENTH CAUSE FOR DISCIPLINE

(Fraud)

50. 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

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certificates of compliance that should not have been issued, constituting acts involving fraud, as follows:

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

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

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

EIGHTEENTH CAUSE FOR DISCIPLINE

(Failure to Provide a Written Estimate)

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

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

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

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NINETEENTH CAUSE FOR DISCIPLINE

(Violation of the Motor Vehicle Inspection Program)

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

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

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

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

TWENTIETH CAUSE FOR DISCIPLINE

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

53. 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:

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

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

TWENTY-FIRST CAUSE FOR DISCIPLINE

(Dishonesty, Fraud or Deceit)

54. Respondent Sam's has subjected its station license to discipline under Health and Safety Code section 44072.2, subdivision (d), in that on or about April 20, 2011, regarding the

1993 Toyota pickup, it committed acts involving dishonesty, fraud or deceit thereby another was injured by issuing electronic Certificate of Compliance No. [redacted] for that vehicle without performing a bona fide inspection of the emission control devices and systems on the vehicle, thereby depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

TWENTY-SECOND CAUSE FOR DISCIPLINE

(Violations of the Motor Vehicle Inspection Program)

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

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

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

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

TWENTY-THIRD CAUSE FOR DISCIPLINE

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

56. Respondent Singh has subjected his technician 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, he violated sections of the California Code of Regulations, title 16, as follows:

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

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

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TWENTY-FOURTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud or Deceit)

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

TWENTY-FIFTH CAUSE FOR DISCIPLINE

(Violations of Regulations)

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

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

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

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

TWENTY-SIXTH CAUSE FOR DISCIPLINE

(Failure to Comply with Regulations)

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

provisions of California Code of Regulations, title 16, sections 3305, subdivision (a), 3316, subdivision (d)(2), and 3321, subdivision (c)(2), as set forth in paragraph 58, above.

TWENTY-SEVENTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud, or Deceit)

60. Respondent Sam's brake and lamp station licenses are subject to discipline under Code section 9889.3, subdivision (d), in that Respondent Sam's committed acts involving dishonesty, fraud, or deceit whereby another was injured, as set forth in paragraph 57, above.

TWENTY-EIGHTH CAUSE FOR DISCIPLINE

(Violations of Regulations)

61. Respondent Singh's brake and lamp adjuster licenses are subject to discipline under Code section 9889.3, subdivision (c), in that he failed to comply with the provisions of California Code of Regulations, title 16, sections 3305, subdivision (a), 3316, subdivision (d)(2), and 3321, subdivision (c)(2), as set forth in paragraph 58, above.

UNDERCOVER OPERATION – JULY 7, 2011

62. On or about July 7, 2011, a Bureau undercover operator drove a Bureau-documented 2002 Ford Mustang to Respondent Sam's facility and requested brake, lamp, and smog inspections. The vehicle could not pass the functional portion of a smog inspection because the vehicle's MIL was inoperative. The vehicle was also unable to pass the brake inspection because the right front brake rotor and left rear brake rotor needed to be replaced. Further, the vehicle could not pass the lamp inspection because the headlights were out of adjustment. The operator signed a work order/estimate but was not provided with a copy of that document prior to the inspections.

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

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

TWENTY-NINTH CAUSE FOR DISCIPLINE

(Misleading Statements)

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

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

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

THIRTIETH CAUSE FOR DISCIPLINE

(Failed to Provide a Copy of a Signed Document)

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

THIRTY-FIRST CAUSE FOR DISCIPLINE

(Fraud)

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

a. Respondent Sam's issued electronic Certificate No. [redacted] without performing a bona fide inspection of the emission control devices and systems on that vehicle, thereby

depriving the People of the State of California of the protection afforded by the Motor Vehicle Inspection Program.

b. Respondent Sam's issued Lamp Certificate No. [redacted] certifying that the lamp 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)

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

THIRTY-THIRD CAUSE FOR DISCIPLINE

(Violation of the Motor Vehicle Inspection Program)

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

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

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

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

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THIRTY-FOURTH CAUSE FOR DISCIPLINE

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

70. 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 July 7, 2011, regarding the 2002 Ford Mustang, it violated sections of the California Code of Regulations, title 16, as follows:

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

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

THIRTY-FIFTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud or Deceit)

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

THIRTY-SIXTH CAUSE FOR DISCIPLINE

(Violations of the Motor Vehicle Inspection Program)

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

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

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

c. **Section 44032**: Respondent Singh failed to perform tests of the emission control 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)

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

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

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

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

THIRTY-EIGHTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud or Deceit)

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

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THIRTY-NINTH CAUSE FOR DISCIPLINE

(Violations of Regulations)

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

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

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

FORTIETH CAUSE FOR DISCIPLINE

(Failure to Comply with Regulations)

76. Respondent Sam's brake and lamp station licenses are subject to discipline under Code section 9889.3, subdivision (c), in that Respondent Sam's failed to comply with the provisions of California Code of Regulations, title 16, sections 3305, subdivision (a), and 3316, subdivision (d)(2), as set forth in paragraph 75, above.

FORTY-FIRST CAUSE FOR DISCIPLINE

(Dishonesty, Fraud, or Deceit)

77. Respondent Sam's brake and lamp station licenses are subject to discipline under Code section 9889.3, subdivision (d), in that Respondent Sam's committed acts involving dishonesty, fraud, or deceit whereby another was injured, as set forth in paragraph 74, above.

FORTY-SECOND CAUSE FOR DISCIPLINE

(Violations of Regulations)

78. Respondent Singh's brake and lamp adjuster licenses are subject to discipline under Code section 9889.3, subdivision (c), in that he failed to comply with the provisions of California

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Code of Regulations, title 16, sections 3305, subdivision (a), and 3316, subdivision (d)(2), as set forth in paragraph 75, above.

OTHER MATTERS

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

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

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

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

83. Pursuant to Health & Safety Code section 44072.8, if Respondent Amarjit Singh's technician license, currently designated as Advanced Emission Specialist Technician License Number EA 030749, but upon renewal will be redesignated as EO 030749 and/or EI 030749, is revoked or suspended, any additional license issued under Chapter 5 of the Health & Safety Code in the name of said licensee may be likewise revoked or suspended by the Director.

84. Pursuant to Code section 9889.9, if Brake Adjuster License Number BA 030749, Class C, issued to Respondent Amarjit Singh, is revoked or suspended, any additional license

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

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

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

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:

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

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

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

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

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

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

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

8. Revoking or suspending Amarjit Singh's smog technician license, currently designated as EA 030749, but which, upon renewal, will be redesignated as EO 030749 and/or EI 030749;

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

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

11. Revoking or suspending Brake Adjuster License Number BA 030749, Class C, issued to Amarjit Singh;

12. Revoking or suspending any additional license issued under Articles 5 and 6 of Chapter 20.3 of the Business and Professions Code in the name of Amarjit Singh;

13. Revoking or suspending Advanced Emission Specialist Technician License Number EA 154653, issued to Kevin S Parman;

14. Revoking or suspending any additional license issued under Chapter 5 of the Health and Safety Code in the name of Kevin S. Parman;

15. Ordering Sam's Complete Auto Repair and Smog, Amarjit Singh, and Kevin S. Parman 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; and,

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

DATED: May 30, 2013

JOHN WALLAUCH
Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant

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