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

12 In the Matter of the Accusation Against:

Case No. 19/17-20670

13 **SIMRANDEEP S. BHULLAR,**  
14 **dba STAR VALLEY SMOG**  
1506 N. Blackstone Avenue  
Fresno, CA 93703

**ACCUSATION**

16 **Automotive Repair Dealer Reg. No. ARD 280083**  
17 **Smog Check, Test Only, Station License**  
18 **No. TC 280083**

19 **and**

20 **GURPREET SINGH CHAUHAN**  
1506 N. Blackstone  
Fresno, CA 93703

21 **Smog Check Inspector License No. EO 147842**  
22 **Smog Check Repair Technician License No. EI**  
23 **147842**

Respondents.

24  
25 Complainant alleges:

26 **PARTIES**

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





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

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

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

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

13 . . . .

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

16 15. Title 16, California Code of Regulations ("CCR"), section 3371 states, in pertinent  
17 part:

18 No dealer shall publish, utter, or make or cause to be published, uttered,  
19 or made any false or misleading statement or advertisement which is known to be  
20 false or misleading, or which by the exercise of reasonable care should be known to  
21 be false or misleading . . .

21 16. Title 16, CCR, section 3372 states:

22 In determining whether any advertisement, statement, or representation is  
23 false or misleading, it shall be considered in its entirety as it would be read or heard  
24 by persons to whom it is designed to appeal. An advertisement, statement, or  
25 representation shall be considered to be false or misleading if it tends to deceive the  
26 public or impose upon credulous or ignorant persons.

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1 17. Title 16, CCR, section 3372.1 states, in pertinent part:

2 An automotive repair dealer shall not advertise automotive service at a  
3 price which is misleading. Price advertising is misleading in circumstances which  
include but are not limited to the following:

4 (a) The automotive repair dealer does not intend to sell the advertised  
5 service at the advertised price but intends to entice the consumer into a more costly  
transaction; or

6 . . . .

7 (d) The automotive repair dealer knows or should know that the  
8 advertised service cannot usually be performed in a good and workmanlike manner  
9 without additional parts, services or labor; provided, however, that an advertisement  
10 which clearly and conspicuously discloses that additional labor, parts or services are  
11 often needed will, to that extent, not be regarded as misleading. Any such disclosure  
12 statement shall indicate that many instances of performance of the service involve  
extra cost and, if the automotive dealer reasonably expects that the extra cost will be  
more than 25% of the advertised costs, that the extra cost may be substantial. The  
type size of the disclosure statement shall be at least 1/2 the type size used in the  
advertised price and the statement shall either be shown near the price or shall be  
prominently footnoted through use of an asterisk or similar reference.

13 **COST RECOVERY**

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

18 **BACKGROUND**

19 19. The Bureau received a complaint and telephone calls from consumers alleging that  
20 Respondent Bhullar (“Bhullar”) failed to honor the advertised price on his internet coupon.  
21 Bhullar was offering smog check inspections at his facility, Star Valley Smog, at the advertised  
22 price of \$26.75 “most cars” and \$8.25 for the smog check certificate for a total of \$35.

23 20. On or about August 24, 2017, Respondent Chauhan (“Chauhan”), attended a  
24 “Proactive Conference” with two Bureau Representatives. Respondent Bhullar appeared by  
25 phone, since Chauhan runs the day-to-day operations of the business. Chauhan admitted to  
26 refusing to accept the advertised coupon because the facility did not accept coupons on Sundays.  
27 The Bureau Representatives reviewed the coupon with Bhullar and Chauhan and pointed out that  
28 it did not have a disclaimer stating that the coupon was not valid on Sundays. Chauhan showed

1 the Bureau Representatives a handwritten sign in the customer waiting area stating, "WE DON'T  
2 ACCEPT COUPONS ON SUNDAY." Bhullar agreed to make corrections to the advertised  
3 coupon and agreed to honor any existing coupons on Sunday. Both Respondents were then  
4 instructed by Bureau representatives and agreed to cease conducting any "bait and switch" tactics.

5 **UNDERCOVER OPERATION #1: 1996 TOYOTA**

6 21. On or about March 14, 2018, a representative of the Bureau, acting in an undercover  
7 capacity ("operator"), took the Bureau's 1996 Toyota to Star Valley Smog. The operator was  
8 greeted by Chauhan. Chauhan gave the operator a clip board with a work order and asked him to  
9 complete and sign the form. The operator signed the work order, but there was no price estimate  
10 for the smog inspection on the document. The operator gave Chauhan the DMV billing notice for  
11 the vehicle as well as an internet coupon for a smog check. Star Valley Smog was offering a  
12 smog check inspection for \$26.75 for "most cars" plus \$8.25 for a smog check certificate. The  
13 coupon included a statement approximately 1/5<sup>th</sup> the size of the advertised price, stating: "95 and  
14 older add \$10 for Evap test" and "Vans, Trucks and SUVs add \$10." Chauhan told the operator  
15 that the smog inspection would cost \$39. The operator asked Chauhan about the price offered on  
16 the coupon. Chauhan stated that it was "up to 2000." Chauhan performed the smog inspection on  
17 the vehicle. After the inspection was completed, Chauhan told the operator that the vehicle failed  
18 because of the readiness monitors. Chauhan recommended that the operator drive the vehicle and  
19 he (Chauhan) would re-test it for \$36.75. The operator paid Chauhan \$39.75 and was given  
20 copies of an invoice, the billing notice, and a vehicle inspection report ("VIR"). The VIR  
21 indicated that the vehicle failed the functional OBD system check. The operator left the facility.

22 **FIRST CAUSE FOR DISCIPLINE**

23 **(Misleading Price Advertising)**

24 22. Respondent Bhullar's registration is subject to disciplinary action pursuant to Bus. &  
25 Prof. Code section 9884.7, subdivision (a)(6), in that Respondent failed to comply with Title 16,  
26 CCR, section 3372.1 by advertising the smog check inspection at a price which was misleading,  
27 as follows:

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1 a. Respondent Bhullar's manager, Respondent Chauhan, charged the operator a total of  
2 \$39.75 for the inspection, stating that the price was for up to 2000, indicating 2000 and newer  
3 model year vehicles. In fact, Bhullar's coupon failed to include a disclosure statement or  
4 disclaimer stating that 1999 and older model year vehicles were excluded from the advertised  
5 price. Further, the Bureau's 1996 Toyota was not a van, truck or sports utility vehicle, and  
6 Respondent did not charge the operator for performing a fuel evaporative test on the vehicle as  
7 indicated on the invoice. Consequently, the vehicle qualified for the \$26.75 advertised price.

8 b. Respondent Bhullar's manager, Respondent Chauhan, charged the operator a total of  
9 \$39.75 for the inspection including \$8.25 for the smog check certificate when, in fact, the  
10 Bureau's 1996 Toyota failed the smog check inspection.

11 **SECOND CAUSE FOR DISCIPLINE**

12 **(Fraud)**

13 23. Respondent Bhullar's registration is subject to disciplinary action pursuant to Bus. &  
14 Prof. Code section 9884.7, subdivision (a)(4), in that Respondent committed an act constituting  
15 fraud, as follows: Respondent Bhullar's manager, Respondent Chauhan, obtained payment from  
16 the undercover operator for a smog check certificate when, in fact, the Bureau's 1996 Toyota  
17 failed the smog check inspection.

18 **THIRD CAUSE FOR DISCIPLINE**

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

20 24. Respondent Bhullar's registration is subject to disciplinary action pursuant to Bus. &  
21 Prof. Code section 9884.7, subdivision (a)(6), in that Respondent failed to comply with section  
22 9884.9, subdivision (a), of that Code in a material respect, as follows: Respondent Bhullar's  
23 technician, Respondent Chauhan, failed to provide the operator with the written estimate before  
24 performing the smog inspection on the Bureau's 1996 Toyota.

25 **FOURTH CAUSE FOR DISCIPLINE**

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

27 25. Respondent Bhullar's registration is subject to disciplinary action pursuant to Bus. &  
28 Prof. Code section 9884.7, subdivision (a)(6), in that Respondent failed to comply with Title 16,

1 CCR, section 3372.1, subdivision (d), by failing to ensure that the disclosure statements on the  
2 internet coupon were at least 1/2 the type size used in the advertised price.

3 **FIFTH CAUSE FOR DISCIPLINE**

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

5 26. Respondent Bhullar's smog check station license is subject to disciplinary action  
6 pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent committed  
7 dishonest, fraudulent, or deceitful acts whereby another was injured, as set forth in paragraphs 22  
8 and 23 above.

9 **SIXTH CAUSE FOR DISCIPLINE**

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

11 27. Respondent Chauhan's smog check inspector and smog check repair technician  
12 licenses are subject to disciplinary action pursuant to Health & Saf. Code section 44072.2,  
13 subdivision (d), in that Respondent committed dishonest, fraudulent, or deceitful acts whereby  
14 another was injured, as set forth in paragraphs 22 and 23 above.

15 **UNDERCOVER OPERATION #2: 1996 TOYOTA**

16 28. On or about May 25, 2018, a representative of the Bureau, acting in an undercover  
17 capacity ("operator"), took the Bureau's 1996 Toyota to Star Valley Smog. The operator was  
18 greeted by Chauhan. Chauhan asked the operator if he had the renewal notice for the vehicle.  
19 The operator handed Chauhan the renewal notice and an internet coupon for a smog check  
20 inspection. Star Valley Smog was offering a smog check inspection for \$26.75 for "most cars"  
21 plus \$8.25 for a smog check certificate. The coupon included a statement approximately 1/5<sup>th</sup> the  
22 size of the advertised price, stating: "95 and older add \$10 for Evap test" and "Vans, Trucks and  
23 SUVs add \$10." Chauhan told the operator that the coupon was only for 2000 and newer.  
24 Chauhan gave the operator a clip board with a work order and asked him to complete and sign the  
25 form. The operator signed the work order, but there was no price estimate for the smog  
26 inspection on the document. Chauhan performed the smog inspection on the vehicle. After the  
27 inspection was completed, Chauhan told the operator that the vehicle passed and that the smog  
28 inspection cost \$58. The operator paid Chauhan \$58 and received copies of an invoice, an

1 estimate, the billing notice, a business card and a VIR.

2 **SEVENTH CAUSE FOR DISCIPLINE**

3 **(Misleading Price Advertising)**

4 29. Respondent Bhullar's registration is subject to disciplinary action pursuant to Bus. &  
5 Prof. Code section 9884.7, subdivision (a)(6), in that Respondent failed to comply with Title 16,  
6 CCR, section 3372.1 by advertising the smog check inspection at a price which was misleading,  
7 as follows: Respondent Bhullar's manager, Respondent Chauhan, represented to the operator that  
8 the internet coupon applied to 2,000 and newer model year vehicles and charged the operator \$58  
9 for the smog inspection and certificate. In fact, Bhullar's coupon failed to include a disclosure  
10 statement or disclaimer stating that 1999 and older model year vehicles were excluded from the  
11 advertised price. Further, the Bureau's 1996 Toyota was not a van, truck or sports utility vehicle,  
12 and Respondent did not charge the operator for performing a fuel evaporative test on the vehicle  
13 as indicated on the invoice. Consequently, the vehicle qualified for the \$35 advertised price for  
14 the inspection and certificate.

15 **EIGHTH CAUSE FOR DISCIPLINE**

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

17 30. Respondent Bhullar's registration is subject to disciplinary action pursuant to Bus. &  
18 Prof. Code section 9884.7, subdivision (a)(6), in that Respondent failed to comply with section  
19 9884.9, subdivision (a), of that Code in a material respect, as follows: Respondent Bhullar's  
20 technician, Respondent Chauhan, failed to provide the operator with the written estimate before  
21 performing the smog inspection on the Bureau's 1996 Toyota.

22 **NINTH CAUSE FOR DISCIPLINE**

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

24 31. Respondent Bhullar's registration is subject to disciplinary action pursuant to Bus. &  
25 Prof. Code section 9884.7, subdivision (a)(6), in that Respondent failed to comply with Title 16,  
26 CCR, section 3372.1, subdivision (d), by failing to ensure that the disclosure statements on the  
27 internet coupon were at least 1/2 the type size used in the advertised price.

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**TENTH CAUSE FOR DISCIPLINE**

**(Dishonesty, Fraud or Deceit)**

32. Respondent Bhullar’s smog check station license is subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent committed a dishonest, fraudulent, or deceitful act whereby another was injured, as set forth in paragraph 29 above.

**ELEVENTH CAUSE FOR DISCIPLINE**

**(Dishonesty, Fraud or Deceit)**

33. Respondent Chauhan’s smog check inspector and smog check repair technician licenses are subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent committed a dishonest, fraudulent, or deceitful act whereby another was injured, as set forth in paragraph 29 above.

**UNDERCOVER OPERATION #3: 1999 CHRYSLER**

34. On or about June 19, 2018, a representative of the Bureau, acting in an undercover capacity (“operator”), took the Bureau’s 1999 Chrysler to Star Valley Smog. The operator was greeted by Chauhan. Chauhan handed the operator a clip board with a work order and asked him to complete and sign the form. The operator signed the work order. The operator gave Chauhan the renewal notice for the vehicle and an internet coupon for a smog check inspection. Star Valley Smog was offering a smog check inspection for \$26.75 for “most cars” plus \$8.25 for a smog check certificate. The coupon included a statement approximately 1/5<sup>th</sup> the size of the advertised price, stating: “95 and older add \$10 for Evap test” and “Vans, Trucks and SUVs add \$10.” Chauhan performed the smog inspection on the vehicle. After the inspection was completed, Chauhan told the operator that the vehicle passed and that the smog inspection cost \$48. The operator paid Chauhan \$48 and received copies of an invoice, an estimate, the billing notice, a business card and a VIR.

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1 **TWELFTH CAUSE FOR DISCIPLINE**

2 **(Misleading Price Advertising)**

3 35. Respondent Bhullar's registration is subject to disciplinary action pursuant to Bus. &  
4 Prof. Code section 9884.7, subdivision (a)(6), in that Respondent failed to comply with Title 16,  
5 CCR, section 3372.1 by advertising the smog check inspection at a price which was misleading,  
6 as follows: Respondent Bhullar's manager, Respondent Chauhan, charged the operator a total of  
7 \$48 for the smog inspection and certificate on the Bureau's 1999 Chrysler and failed to honor the  
8 advertised price on the coupon. In fact, the Bureau's 1999 Chrysler qualified for the \$35  
9 advertised price for the inspection and certificate in that it was not a van, truck or sports utility  
10 vehicle, and Respondent did not charge the operator for performing a fuel evaporative test on the  
11 vehicle as indicated on the invoice.

12 **THIRTEENTH CAUSE FOR DISCIPLINE**

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

14 36. Respondent Bhullar's registration is subject to disciplinary action pursuant to Bus. &  
15 Prof. Code section 9884.7, subdivision (a)(6), in that Respondent failed to comply with Title 16,  
16 CCR, section 3372.1, subdivision (d), by failing to ensure that the disclosure statements on the  
17 internet coupon were at least 1/2 the type size used in the advertised price.

18 **FOURTEENTH CAUSE FOR DISCIPLINE**

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

20 37. Respondent Bhullar's smog check station license is subject to disciplinary action  
21 pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent committed a  
22 dishonest, fraudulent, or deceitful act whereby another was injured, as set forth in paragraph 35  
23 above.

24 **FIFTEENTH CAUSE FOR DISCIPLINE**

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

26 38. Respondent Chauhan's smog check inspector and smog check repair technician  
27 licenses are subject to disciplinary action pursuant to Health & Saf. Code section 44072.2,  
28 subdivision (d), in that Respondent committed a dishonest, fraudulent, or deceitful act whereby

1 another was injured, as set forth in paragraph 35 above.

2 **OTHER MATTERS**

3 39. Pursuant to Bus. & Prof. Code section 9884.7, subdivision (c), the Director may  
4 suspend, revoke or place on probation the registration for all places of business operated in this  
5 state by Respondent Simrandeep S. Bhullar upon a finding that Respondent has, or is, engaged in  
6 a course of repeated and willful violations of the laws and regulations pertaining to an automotive  
7 repair dealer.

8 40. Pursuant to Health & Saf. Code section 44072.8, if Smog Check, Test Only, Station  
9 License Number TC 280083, issued to Respondent Simrandeep S. Bhullar, doing business as Star  
10 Valley Smog, is revoked or suspended, any additional license issued under Chapter 5 of Part 5 of  
11 Division 26 of the Health & Saf. Code in the name of said licensee may be likewise revoked or  
12 suspended by the Director.

13 41. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Inspector License  
14 Number EO 147842 and Smog Check Repair Technician License Number EI 147842. issued to  
15 Respondent Gurpreet Singh Chauhan are revoked or suspended, any additional license issued  
16 under this chapter in the name of said licensee may be likewise revoked or suspended by the  
17 Director.

18 **PRAYER**

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

21 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD  
22 280083, issued to Simrandeep S. Bhullar, doing business as Star Valley Smog;

23 2. Revoking or suspending any other automotive repair dealer registration issued to  
24 Simrandeep S. Bhullar;

25 3. Revoking or suspending Smog Check, Test Only, Station License Number TC  
26 280083, issued to Simrandeep S. Bhullar, doing business as Star Valley Smog;

27 4. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of  
28 Division 26 of the Health and Safety Code in the name of Simrandeep S. Bhullar;

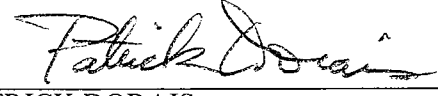
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5. Revoking or suspending Smog Check Inspector License Number EO 147842 and Smog Check Repair Technician License Number EI 147842. issued to Gurpreet Singh Chauhan;

6. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of Gurpreet Singh Chauhan;

7. Ordering Simrandeep S. Bhullar, doing business as Star Valley Smog, and Gurpreet Singh Chauhan to pay the Director of Consumer Affairs the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

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

DATED: November 29, 2018 

PATRICK DORAIS  
Chief  
Bureau of Automotive Repair  
Department of Consumer Affairs  
State of California  
*Complainant*

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