

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

In the Matter of the Accusation Against:)
)
GURNUR INTERNATIONAL CORPORATION)
dba GIC GERMAN AUTO HAUS)
3725 San Leandro Street)
Oakland, California 94601)
)
Automotive Repair Dealer Registration)
No. AL 136179)
Smog Check Test Only Station License)
No. RL 136179)
Official Brake Station License No. BL 136179A)
Official Lamp Station License No. LL 136179A)
)
and)
)
MUSTAFA OZDEN)
3400 Richmond Parkway, No. 3718)
Richmond, California 94806)
)
Advanced Emission Specialist Technician)
License No. EA 134514)
Brake Adjuster License No. JC 134514C)
Lamp Adjuster License No. RY 134514A)
)
Respondents.)
)

Case No. 77/05-53
OAH No. N2005070838

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby accepted and adopted as the Decision of the Director of the Department of Consumer Affairs in the above-entitled matter only as to respondent Mustafa Ozden, Advanced Emission Specialist Technician License No. EA 134514, Brake Adjuster License No. JC 134514C, and Lamp Adjuster License No. RY 134514A.

This Decision shall become effective February 8, 2006.

DATED: January 4, 2006



DOREATHEA JOHNSON
Deputy Director, Legal Affairs
Department of Consumer Affairs

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

In the Matter of the Accusation Against:

MUSTAFA OZDEN
3400 Richmond Parkway, No. 3718
Richmond, California 94806

Case No. 77/05-53

OAH No. N2005070838

Advanced Emission Specialist Technician
License No. EA 134514

Brake Adjuster License No. JC 134514C

Lamp Adjuster License No. RY 134514A

Respondent.

PROPOSED DECISION

Administrative Law Judge Steven C. Owyang, State of California, Office of Administrative Hearings, heard this matter in Oakland, California, on November 3, 2005. The accusation originally named an additional respondent, Gurnur International Corporation dba GIC German Auto Haus, but that respondent reached a stipulated settlement. The hearing on this accusation was consolidated with the hearing on the statement of issues in case number 77/05-53s, OAH N2005070839.

Complainant Richard Ross, Chief, Bureau of Automotive Repair (Bureau), Department of Consumer Affairs, was represented by Aspasia Papavassiliou, Deputy Attorney General.

Respondent Mustafa Ozden was present and represented by Jeffrey Kerwin, Esq.

The matter was submitted on November 3, 2005.

FACTUAL FINDINGS

1. On December 28, 2000, the Bureau issued lamp adjuster license RY 134514A to respondent Ozden. The license expired on January 31, 2005, and has not been renewed.

2. On March 6, 2001, the Bureau issued brake adjuster license JC 134514C to respondent Ozden. The license expired on January 31, 2005, and has not been renewed.

3. On November 14, 2001, the Bureau issued advanced emission specialist technician license EA 134514 to respondent. The license was in full force and effect at all times relevant to the charges brought herein and will expire January 31, 2006, unless renewed.

4. On October 28, 2003, respondent was employed as the manager of GIC German Auto Haus, 3725 San Leandro Street, Oakland, a facility that conducted lamp and brake inspections and adjustments as well as smog checks. Respondent had been designated manager by his "boss" Fatih Tekin, the "owner" of GIC German Auto Haus. Despite being called the manager, and despite being identified as the manager of "GIC Smog Station" on his business card, respondent did not assign jobs to other technicians, and did not hire, fire or supervise GIC Auto Haus employees.

5. Acting on reports that GIC German Auto Haus was performing improper lamp and brake inspections, the Bureau conducted an undercover investigation on October 28, 2003. The Bureau prepared and documented three taxicabs and sent them for lamp and brake inspections at GIC German Auto Haus.

6. The first vehicle in the undercover investigation was a Veterans Cab Company 1996 Ford Crown Victoria taxi, California license 6U00775. The Bureau had prepared and documented the vehicle. The rear license plate lights were inoperable, the left headlight assembly was misadjusted outward, and the right rear tail light lens was cracked. Paramjit "Justin" Gir, a Veterans Cab Company driver, acted as a Bureau undercover operator. Gir drove the vehicle to GIC German Auto Haus for brake and lamp inspections. Gir spoke with a GIC German Auto Haus employee who was later identified as Bulent E. Atayola. Gir asked Atayola to conduct a brake and lamp inspection on the vehicle. Atayola did not ask Gir to sign an estimate, and Gir did not receive an estimate for the inspection.

7. Atayola was not a licensed brake and lamp adjuster, but he performed the inspection. Gir was present during the inspection. Atayola did not remove the wheels of the vehicle. The vehicle was not lifted for inspection. No mechanical or optical headlight aimer was used.

8. Gir observed respondent on the premises. Respondent was doing smog checks on other vehicles about 15 or 20 feet away from Gir's vehicle. Respondent was not involved in the inspection of Gir's vehicle.

9. Atayola informed Gir the license plate lamps did not work and told Gir to replace the lamps and bring the vehicle back, at which time Atayola would issue brake and lamp certificates. Gir did so, and Atayola signed brake certificate BA 1888843 and lamp certificate LA 1889142 for the vehicle. The signatures on the certificates are not readily legible. The adjuster's license number on the certificates is JC 134514, which is

respondent's license number. The vehicle had not been properly tested or inspected, and the vehicle was not in compliance with applicable law.

10. The second vehicle in the undercover investigation was a Friendly Cab 1993 Ford Crown Victoria taxi, California license 5U96585. The Bureau had prepared and documented the vehicle. The left headlight assembly was misadjusted outward. Bureau representative Enrique Lopez drove the vehicle to GIC German Auto Haus for brake and lamp inspections. Lopez spoke with a GIC German Auto Haus employee who identified himself as "Melanz" but who was in fact Bulent Atayola. Atayola conducted the brake and lamp inspections.

11. Atayola did not ask Lopez to sign an estimate, and Lopez did not receive an estimate for the inspection. Atayola did not move or test-drive the vehicle during the inspection. Atayola did not remove the wheels of the vehicle. The vehicle was not lifted for inspection. No mechanical or optical headlight aimer was used. The inspections were conducted outside of the GIC German Auto Haus building.

12. Lopez observed respondent on the premises. Respondent was doing smog inspections on other vehicles about 4 or 5 feet away from Lopez's vehicle. Respondent was not involved in the inspection of Lopez's vehicle.

13. Lopez paid for the inspections. Atayola signed brake certificate BA 1888844 and lamp certificate LA 1889143 and gave them to Lopez. The signatures on the certificates are not readily legible. The adjuster's license number on the certificates is JC 134514, which is respondent's license number. The vehicle had not been properly tested or inspected, and the vehicle was not in compliance with applicable law.

14. The third vehicle in the undercover investigation was a Veterans Cab Company 1996 Ford Crown Victoria taxi, California license 6K01500. The Bureau had prepared and documented the vehicle. The left headlight assembly was misadjusted outward and various tail, brake, and license plate lights were inoperative. Paramjit Gir drove the vehicle to German Auto Haus for brake and lamp inspections. Gir spoke with Bulent E. Atayola and requested a brake and lamp inspection on the vehicle. Atayola did not ask Gir to sign an estimate, and Gir did not receive an estimate for the inspection.

15. Atayola conducted the inspection on the vehicle. Atayola did not remove the wheels of the vehicle. The vehicle was not lifted for inspection. No mechanical or optical headlight aimer was used. The inspection was conducted outside of the GIC German Auto Haus building.

16. Atayola signed brake certificate BA 1888846 and lamp certificate LA 1889145 and gave them to Gir. Atayola did not mention any malfunctioning lights. The signatures on the certificates are not readily legible. The adjuster's license number on the certificates is JC 134514, which is respondent's license number. The vehicle had not been properly tested or inspected, and the vehicle was not in compliance with applicable law.

17. On previous occasions before the undercover operation, Gir had taken Veterans Cab Company vehicles to GIC German Auto Haus for brake and lamp inspections. On those occasions respondent performed the inspections and had removed the wheels to inspect the brakes. Respondent had conducted the inspections properly, in Gir's opinion.

18. After the inspections on the three vehicles, Joaquin Murphy, Program Representative I, Bureau of Automotive Repair, and Enrique Lopez went to GIC German Auto Haus. Murphy spoke with respondent, informing him he was there to conduct a station inspection. Respondent told Murphy he was the manager and responsible employee of the facility and gave Murphy his business card. Respondent also acknowledged that he was the only licensed brake and lamp adjuster at the facility.

19. Murphy asked respondent about four brake certificates and four lamp certificates that had been issued that morning, including the certificates that had been issued for the three undercover taxicabs. Respondent falsely stated that he had personally conducted the inspections and issued and signed the certificates.

20. With the assistance of Lopez, Murphy asked the employee who had performed the inspections on the three undercover taxicabs to identify himself. The employee's only identification was an International Drivers License that identified him as Bulent E. Atayola.

21. Respondent acknowledges that he was untruthful when he told Joaquin Murphy that he had personally conducted the inspections and signed the certificates for the three undercover vehicles. He explained that this was the first time something like this had happened and he did not know what to do. He thought it might help his boss to tell Murphy he had done the inspections and signed the certificates. Respondent maintained that he did not know at the time that the inspections had not been performed properly.

22. Respondent acknowledges that the brake and lamp inspections on the undercover vehicles were not properly performed. He asserts that he did not see Atayola working on the taxis, that Atayola had been working at the facility for only about a month, and that he did not know Atayola had been using his license number. He asserts Atayola was only a helper in the facility.

23. Respondent is now working at a smog test only facility in Richmond, California.

24. The Bureau incurred \$6,435.25 in Attorney General costs and \$4,975.41 in investigative costs in connection with the investigation and prosecution of the accusation in this matter. The Bureau's total costs are \$11,410.66. Because other licensees were involved in the investigation and prosecution of the accusation in this case, the Bureau asks that respondent be ordered to pay half of its costs, or \$5,705.33.

LEGAL CONCLUSIONS

1. Complainant's accusation seeks the revocation or suspension of respondent's brake adjuster, lamp adjuster, and advanced emission specialist technician licenses. The expiration or suspension of a license does not deprive the director of jurisdiction to proceed with disciplinary proceedings against a licensee, or to render a decision suspending or revoking such license. (Bus. & Prof. Code, § 9889.7.)

2. Respondent committed acts of dishonesty and deceit by informing Bureau representatives that he had performed the brake and lamp inspections on the vehicles used in the Bureau's undercover investigation, and by informing Bureau representatives that he had signed and issued the brake and lamp certificates for those vehicles. Respondent's brake and lamp adjuster licenses are therefore subject to discipline. (Bus. & Prof. Code, § 9889.3, subd. (d).)

3. Respondent was the only licensed brake and lamp adjuster at the facility. He was within a few feet of the undercover vehicles on which brake and lamp inspections were performed. He was asked about brake and lamp certificates that bore his license number and had been issued for inspections he had not performed. Respondent therefore must have known that an unlicensed person had performed and signed for those brake and lamp inspections. Respondent thereby aided and abetted an unlicensed person to evade the provisions of the Business and Professions Code. Respondent's brake and lamp adjuster licenses are therefore subject to discipline. (Bus. & Prof. Code, § 9889.3, subd. (f).)

4. Respondent has violated provisions of the Business and Professions Code that relate to his licensed activities and the particular activities for which he is licensed. His licenses are therefore subject to discipline. (Bus. & Prof. Code, § 9889.3, subds. (a) and (h).)

5. If any one of respondent's licenses is revoked or suspended, his other licenses may likewise be revoked or suspended. (Bus. & Prof. Code, § 9889.9.)

6. The evidence did not show that respondent committed his acts of dishonesty and deceit with the intent to substantially benefit himself, within the meaning of Health and Safety Code section 44072.1, subdivision.

7. Respondent is apologetic about the false statements he made to the Bureau's representative. He is willing to have his brake and lamp licenses revoked. He requests, however, that he be allowed to retain his advanced emission specialist technician license, under any probationary conditions that may be ordered. He notes that he did not profit from Atayola's use of his license and that none of the improper work on the undercover vehicles involved a smog check or use of his advanced emission specialist technician license. He represents that his former employer, GIC German Auto Haus, has been allowed to continue in business. He asks that justice be tempered with mercy, and that he be allowed to retain his advanced emission specialist technician license so that he can support his family. It is noted that there was no evidence that respondent himself performed improper brake, lamp, or smog

inspections. Under the circumstances of this case, it appears unlikely that respondent will again violate his duties as a Bureau licensee. The public interest will be adequately protected by the imposition of probationary conditions.

ORDER

1. Brake adjuster license JC 134514C issued to respondent Mustafa Ozden is revoked.
2. Lamp adjuster license RY 134514A issued to respondent Mustafa Ozden is revoked.
3. Advanced emission specialist technician license EA 134514 issued to respondent Mustafa Ozden is revoked. The revocation, however, is stayed and respondent is placed on probation for three years on the following terms and conditions:
 - a. Respondent shall comply with all statutes, regulations and rules governing automotive inspections, estimates and repairs.
 - b. Respondent or respondent's 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.
 - c. During the term of probation, respondent shall pay to the Bureau \$5,705.33 for the costs of investigation and enforcement of this matter. At the Bureau's discretion, respondent shall be permitted to pay the amount due through a periodic payment schedule. However, the entire amount shall be paid by the end of the probationary period.
 - d. If an accusation is filed against respondent 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.
 - e. Should the Director of Consumer Affairs determine that respondent has failed to comply with the terms and conditions of probation, the department may, after giving notice and opportunity to be heard, suspend or revoke the license.

- f. Upon successful completion of probation, respondent's advanced emissions technician license shall be restored.

DATED: December 8, 2005



STEVEN C. OWYANG
Administrative Law Judge
Office of Administrative Hearings

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

11 In the Matter of the Accusation Against:

Case No.

12 **GURNUR INTERNATIONAL**
13 **CORPORATION**
14 **DOING BUSINESS AS**
15 **GIC GERMAN AUTO HAUS**
3725 San Leandro Street
Oakland, California 94601

A C C U S A T I O N

77/05-53

16 Automotive Repair Dealer Registration
No. AL 136179
17 Smog Check Station License No. RL 136179
Official Brake Station License No. BL 136179A
Official Lamp Station License No. LL 136179A

18 and

19 **MUSTAFA OZDEN**
20 3400 Richmond Parkway, No. 3718
Richmond, California 94806

21 Advanced Emission Specialist Technician
22 License No. EA 134514
Brake Adjuster License No. JC 134514C
23 Lamp Adjuster License No. RY 134514A

24 Respondents.

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26 Richard Ross ("Complainant") alleges:

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28 ///

1 **PARTIES**

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

4 **Automotive Repair Dealer Registration**

5 2. On or about November 24, 1987, the Bureau issued Automotive Repair
6 Dealer Registration Number AL 136179 ("registration") to Gurnur International Corporation,
7 doing business as GIC German Auto Haus ("Respondent Gurnur"). The registration will expire
8 on November 30, 2005, unless renewed.

9 **Smog Check Station License**

10 3. On or about January 20, 1998, the Bureau issued Smog Check Station
11 License Number RL 136179 ("station license") to Respondent Gurnur. The station license will
12 expire on November 30, 2005, unless renewed.

13 **Official Brake Station License**

14 4. On or about March 11, 1993, the Bureau issued Official Brake Station
15 License Number BL 136179, classification A ("brake station license") to Respondent Gurnur.
16 The brake station license will expire on November 30, 2005, unless renewed.

17 **Official Lamp Station License**

18 5. On or about March 8, 1993, the Bureau issued Official Lamp Station
19 License Number LL 136179, classification A ("lamp station license") to Respondent Gurnur.
20 The lamp station license will expire on November 30, 2005, unless renewed.

21 **Advanced Emission Specialist Technician License**

22 6. On or about November 14, 2001, the Bureau issued Advanced Emission
23 Specialist Technician License Number EA 134514 ("technician license") to Mustafa Ozden
24 ("Respondent Ozden"). The technician license was in full force and effect at all times relevant to
25 the charges brought herein and will expire on January 31, 2006, unless renewed.

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Brake Adjuster License

7. On or about March 6, 2001, the Bureau issued Brake Adjuster License Number JC 134514C ("adjuster license") to Respondent Ozden. The adjuster license expired on January 31, 2005, and has not been renewed.

Lamp Adjuster License

8. On or about December 28, 2000, the Bureau issued Lamp Adjuster License Number RY 134514A ("adjuster license") to Respondent Ozden. The adjuster license expired on January 31, 2005, and has not been renewed.

STATUTORY AND REGULATORY PROVISIONS

9. 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 refuse to validate, or may invalidate temporarily or permanently, 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.

(2) Causing or allowing a customer to sign any work order which does not state the repairs requested by the customer.

(4) Any other conduct which constitutes fraud.

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

(b) Except as provided 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 refuse to validate, or shall only invalidate temporarily or permanently 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 refuse to validate, or may invalidate temporarily or permanently, the registration for all places of business operated in this state by an automotive repair dealer upon a finding that

1 the automotive repair dealer has, or is, engaged in a course of repeated and willful
2 violations of this chapter, or regulations adopted pursuant to it.

3 10. Code section 9884.9 states, in pertinent part:

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

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

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

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

27 _____
28 (signature or initials)

Nothing in this section shall be construed as requiring an automotive
repair dealer to give a written estimated price if the dealer does not agree to
perform the requested repair.

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

12. 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 Code section
9887.1) of the Automotive Repair Act.

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

5 14. Code section 9889.9 states:

6 When any license has been revoked or suspended following a
7 hearing under the provisions of this article, any additional license issued under
8 Articles 5 and 6 of this chapter in the name of the licensee may be likewise
9 revoked or suspended by the director.

10 15. Code section 9889.3 states, in pertinent part:

11 The director may suspend, revoke, or take other disciplinary action against
12 a license as provided in this article [Article 7 (commencing with Code section
13 9889.1) of the Automotive Repair Act] if the licensee or any partner, officer, or
14 director thereof:

15 (a) Violates any section of the Code which relates to his or her licensed
16 activities.

17 (c) Violates any of the regulations promulgated by the director pursuant to
18 this chapter [the Automotive Repair Act].

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

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

23 16. Code section 9889.16 states:

24 Whenever a licensed adjuster in a licensed station upon an inspection or
25 after an adjustment, made in conformity with the instructions of the bureau
26 determines that the lamps or the brakes upon any vehicle conform with the
27 requirements of the Vehicle Code, he shall, when requested by the owner or driver
28 of the vehicle, issue a certificate of adjustment on a form prescribed by the
director, which certificate shall contain the date of issuance, the make and
registration number of the vehicle, the name of the owner of the vehicle, and the
official license of the station.

29 17. Code section 9889.22 states:

30 The willful making of any false statement or entry with regard to a
31 material matter in any oath, affidavit, certificate of compliance or noncompliance,
32 or application form which is required by this chapter [the Automotive Repair Act]
33 or Chapter 5 (commencing with Section 44000) of Part 5 of Division 26 of the

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1 Health and Safety Code constitutes perjury and is punishable as provided in the
2 Penal Code.

3 18. California Code of Regulations, title 16, section 3305 states, in pertinent
4 part:

5 (a) Performance Standards. All adjusting, inspecting, servicing, and
6 repairing of brake systems and lamp systems shall be performed in official
7 stations in accordance with current standards, specifications, instructions, and
8 directives issued by the bureau and by the manufacturer of the device or vehicle.

9 19. California Code of Regulations, title 16, section 3316 states, in pertinent
10 part:

11 (d)(2) Inspection of the Entire Lighting System. Where all of the lamps,
12 lighting equipment, and related electrical systems on a vehicle have been
13 inspected and found in compliance with all requirements of the Vehicle Code and
14 bureau regulations, the certificate shall certify that the entire system meets all such
15 requirements.

16 20. California Code of Regulations, title 16, section 3316 states, in pertinent
17 part:

18 (c)(2) Inspection of the Entire Brake System. Where the entire brake
19 system on any vehicle has been inspected or tested and found in compliance with
20 all requirements of the Vehicle Code and bureau regulations, and the vehicle has
21 been road-tested, the certificate shall certify that the entire system meets all such
22 requirements.

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

27 22. Code section 125.3 provides, in pertinent part, that a board may request
28 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.

29 **UNDERCOVER OPERATION NO. 1 - 1996 FORD CROWN VICTORIA**

30 23. On or about October 28, 2003, Paramjit Justin Gir ("operator") from
31 Veteran's Cab Company drove a Bureau documented 1996 Ford Crown Victoria, California

1 c. Respondent Gurnur allowed the issuance of Brake Certificate No.
2 BA-1888843 and Lamp Certificate No. LA-1889142, certifying that the vehicle's brake and lamp
3 systems had been inspected by a licensed brake and lamp adjuster when, in fact, Bulent E.
4 Atayola, an unlicensed person, performed the inspections and signed and issued the certificates.

5 d. Respondent Gurnur falsely represented on Brake Certificate No.
6 BA-1888843 that the vehicle was equipped with air brakes when, in fact, the vehicle is equipped
7 with power assisted hydraulic brakes.

8 e. Respondent Gurnur falsely represented on Lamp Certificate No.
9 LA-1889142 that the vehicle was equipped with lighting equipment not on this vehicle.

10 **SECOND CAUSE FOR DISCIPLINE**

11 **(Invoice Requirements)**

12 26. Respondent Gurnur has subjected its registration to discipline under Code
13 section 9884.7, subdivision (a)(2), in that on or about October 28, 2003, it allowed the operator
14 to sign the invoice dated October 28, 2003, that did not state the repairs requested by the
15 operator.

16 **THIRD CAUSE FOR DISCIPLINE**

17 **(Fraud)**

18 27. Respondent Gurnur has subjected its registration to discipline under Code
19 section 9884.7, subdivision (a)(4), in that on or about October 28, 2003, it committed fraud by
20 allowing the issuance of Brake Certificate No. BA-1888843 and Lamp Certificate No.
21 LA-1889142, certifying that the brake and lamp systems were satisfactory when, in fact, the
22 vehicle's brake system had not been inspected and the lamp system had not been adjusted or
23 aimed.

24 **FOURTH CAUSE FOR DISCIPLINE**

25 **(Failure to Comply with Code)**

26 28. Respondent Gurnur has subjected its registration to discipline under Code
27 section 9884.7, subdivision (a)(6), in that on or about October 28, 2003, it failed to comply with
28 provisions of Code sections, as follows:

1 a. **Section 9884.9 subdivision (a)**: Respondent Gurnur failed to provide the
2 operator with a written estimated price for parts and labor for a specific job.

3 b. **Section 9889.16**

4 i. Respondent Gurnur allowed Brake Certificate No. BA-1888843 to
5 be issued certifying that the brakes were satisfactory when, in fact, the brakes had not been
6 inspected.

7 ii. Respondent Gurnur allowed Lamp Certificate No. LA-1889142 to
8 be issued certifying that the headlights had been adjusted and aimed when, in fact, the left
9 headlight remained misadjusted outward.

10 c. **Section 9889.22**

11 i. Respondent Gurnur falsely represented on Brake Certificate No.
12 BA-1888843 that the brakes were satisfactory when, in fact, the brakes had not been inspected.

13 d. Respondent Gurnur falsely represented on Lamp Certificate No. LA-
14 1889142 that the headlights had been adjusted and aimed when, in fact, the left headlight
15 remained misadjusted outward.

16 **FIFTH CAUSE FOR DISCIPLINE**

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

18 29. Respondent Gurnur has subjected its registration to discipline under Code
19 section 9884.7, subdivision (a)(6), in that on October 28, 2003, it failed to comply with the
20 following sections of the California Code of Regulations, title 16:

21 a. **Section 3305, subdivision (a)**: Respondent Gurnur failed to perform the
22 brake and lamp inspections in accordance with current standards, specifications, instructions, and
23 directives issued by the Bureau.

24 b. **Section 3316, subdivision (d)(2)**: Respondent Gurnur failed to inspect
25 the entire lighting system of the vehicle.

26 c. **Section 3321, subdivision (c)(2)**: Respondent Gurnur failed to inspect
27 the entire brake system of the vehicle.

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1 **SIXTH CAUSE FOR DISCIPLINE**

2 **(Aiding and Abetting Unlicensed Activity)**

3 30. Respondent Gurnur has subjected its official brake and lamp station
4 licenses to discipline under Code sections 9889.3, subdivision (f), in that on or about October 28,
5 2003, Respondent Gurnur aided and abetted Bulent E. Atayola, an unlicensed person, to evade
6 the provisions of the chapter by allowing him to perform a brake and lamp inspection on the
7 1996 Ford Crown Victoria.

8 **SEVENTH CAUSE FOR DISCIPLINE**

9 **(Acts Involving Dishonesty, Fraud, or Deceit)**

10 31. Respondent Gurnur has subjected its official brake and lamp station
11 licenses to discipline under Code section 9889.3. subdivision (d), in that on or about October 28,
12 2003, it committed acts involving dishonesty, fraud, or deceit, as follows:

13 a. Respondent Gurnur allowed the issuance of Brake Certificate No.
14 BA-1888843 and Lamp Certificate No. LA-1889142, certifying that the brake and lamp systems
15 on the vehicle had been inspected when, in fact, the brakes had not been inspected and the left
16 headlight was misadjusted outward.

17 b. Respondent Gurnur falsely represented on Brake Certificate No.
18 BA-1888843 and Lamp Certificate No. LA-1889142 that the vehicle had been inspected by a
19 licensed adjuster when, in fact, Bulent E. Atayola, an unlicensed person, performed those
20 inspections and signed the certificates.

21 **EIGHTH CAUSE FOR DISCIPLINE**

22 **(Violations Relating to Licensed Activities)**

23 32. Respondent Gurnur has subjected its official brake and lamp station
24 licenses to discipline under Code sections 9889.3, subdivisions (a), (c), and (h), in that on
25 October 28, 2003, it committed acts in violation of the Code and the California Code of
26 Regulations, title 16, relating to Respondent Gurnur's licensed activities, as set forth in
27 paragraphs 28 through 31, above.

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1 **NINTH CAUSE FOR DISCIPLINE**

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

3 33. Respondent Ozden has subjected his brake and lamp adjuster licenses to
4 discipline under Code section 9889.3. subdivision (d), in that on or about October 28, 2003, he
5 committed acts involving dishonesty, fraud, or deceit, by informing Bureau representatives that
6 he had performed the brake and lamp inspections of the 1996 Ford Crown Victoria and that he
7 had signed and issued the corresponding certificates when, in fact, he had not performed those
8 inspections and had not signed and issued the certificates.

9 **TENTH CAUSE FOR DISCIPLINE**

10 **(Aiding and Abetting Unlicensed Activity)**

11 34. Respondent Ozden has subjected his brake and lamp adjuster licenses to
12 discipline under Code sections 9889.3, subdivision (f), in that on or about October 28, 2003,
13 Respondent Ozden aided and abetted Bulent E. Atayola, an unlicensed person, to evade the
14 provisions of the chapter by allowing him to perform a brake and lamp inspection on the 1996
15 Ford Crown Victoria.

16 **ELEVENTH CAUSE FOR DISCIPLINE**

17 **(Violations Relating to Licensed Activities)**

18 35. Respondent Ozden has subjected his brake and lamp adjuster licenses to
19 discipline under Code sections 9889.3, subdivisions (a) and (h), in that on October 28, 2003, he
20 committed acts in violation of the Code relating to his licensed activities, as set forth in
21 paragraphs 33 and 34, above.

22 **UNDERCOVER OPERATION NO. 2 - 1993 FORD CROWN VICTORIA**

23 36. On or about October 28, 2003, Bureau undercover operator Enrique Lopez
24 drove a 1993 Ford Crown Victoria, California License Plate No. 5U96585, owned by Friendly
25 Cab Company to Respondent Gurnur's facility for brake and lamp inspections. The Bureau had
26 previously documented the vehicle's brake and lamp systems. The left headlight assembly was
27 misadjusted outward. The operator spoke with Bulent E. Atayola, an employee of Respondent
28 Gurnur. Atayola was not a licensed brake and lamp adjuster; however, he performed the

1 inspection. The vehicle was not moved or test driven during the inspection. The operator signed
2 the invoice dated October 28, 2003, and was provided with a copy of the document. Atayola
3 signed and issued Brake Certificate No. 1888844 and Lamp Certificate No. 1889143.
4 Respondent Ozden, who is the only licensed adjuster employed at Respondent Gurnur's facility,
5 was present during the entire inspection process.

6 37. The Bureau reinspected the vehicle. The inspection revealed that the
7 wheels had not been removed, making it impossible for a proper brake inspection to have
8 occurred. The left headlight remained misadjusted outward. The headlights had not been aimed
9 or adjusted.

10 **TWELFTH CAUSE FOR DISCIPLINE**

11 **(Misleading Statements)**

12 38. Respondent Gurnur has subjected its registration to discipline under Code
13 section 9884.7, subdivision (a)(1), in that on or about October 28, 2003, it made statements
14 which it knew or which by the exercise of reasonable care should have been known to be untrue
15 or misleading, as follows:

16 a. Respondent Gurnur allowed the issuance of Brake Certificate No.
17 BA-1888844, certifying that the brakes were satisfactory when, in fact, the brakes had not been
18 inspected.

19 b. Respondent Gurnur allowed the issuance of Lamp Certificate No.
20 LA-1889143, certifying that the headlights had been aimed and adjusted when, in fact, the left
21 headlight remained misadjusted outward.

22 c. Respondent Gurnur allowed the issuance of Brake Certificate No.
23 BA-1888844 and Lamp Certificate No. LA-1889143, certifying that the vehicle's brake and lamp
24 systems had been inspected by a licensed brake and lamp adjuster when, in fact, Bulent E.
25 Atayola, an unlicensed person, performed the inspections and signed and issued the certificates.

26 d. Respondent Gurnur falsely represented on Brake Certificate No.
27 BA-1888844 that the vehicle was equipped with air brakes when, in fact, the vehicle is equipped
28 with power assisted hydraulic brakes.

1 e. Respondent Gurnur falsely represented on Brake Certificate No.
2 BA-1888844 that the brake shoes and lining had been inspected when, in fact, the brake system
3 had not been inspected.

4 f. Respondent Gurnur falsely represented on Lamp Certificate No.
5 LA-1889143 that the vehicle was equipped with lighting equipment not on this vehicle.

6 **THIRTEENTH CAUSE FOR DISCIPLINE**

7 **(Invoice Requirements)**

8 39. Respondent Gurnur has subjected its registration to discipline under Code
9 section 9884.7, subdivision (a)(2), in that on or about October 28, 2003, it allowed the operator
10 to sign the invoice dated October 28, 2003, that did not state the repairs requested by the
11 operator.

12 **FOURTEENTH CAUSE FOR DISCIPLINE**

13 **(Fraud)**

14 40. Respondent Gurnur has subjected its registration to discipline under Code
15 section 9884.7, subdivision (a)(4), in that on or about October 28, 2003, it committed fraud by
16 allowing the issuance of Brake Certificate No. BA-1888844 and Lamp Certificate No.
17 LA-1889143, certifying that the brake and lamp systems were satisfactory when, in fact, the
18 vehicle's brake system had not been inspected and the lamp system had not been adjusted or
19 aimed.

20 **FIFTEENTH CAUSE FOR DISCIPLINE**

21 **(Failure to Comply with Code)**

22 41. Respondent Gurnur has subjected its registration to discipline under Code
23 section 9884.7, subdivision (a)(6), in that on or about October 28, 2003, it failed to comply with
24 provisions of Code sections, as follows:

25 a. **Section 9884.9 subdivision (a)**: Respondent Gurnur failed to provide the
26 operator with a written estimated price for parts and labor for a specific job.

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1 b. Section 9889.16

2 i. Respondent Gurnur allowed Brake Certificate No. BA-1888844 to
3 be issued, certifying that the brakes were satisfactory when, in fact, the brakes had not been
4 inspected.

5 ii. Respondent Gurnur allowed Lamp Certificate No. LA-1889143 to
6 be issued, certifying that the headlights had been adjusted and aimed when, in fact, the left
7 headlight remained misadjusted outward.

8 c. Section 9889.22

9 i. Respondent Gurnur falsely represented on Brake Certificate No.
10 BA-1888844 that the brakes were satisfactory when, in fact, the brakes had not been inspected.

11 d. Respondent Gurnur falsely represented on Lamp Certificate No.
12 LA-1889143 that the headlights had been adjusted and aimed when, in fact, the left headlight
13 remained misadjusted outward.

14 **SIXTEENTH CAUSE FOR DISCIPLINE**

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

16 42. Respondent Gurnur has subjected its registration to discipline under Code
17 section 9884.7, subdivision (a)(6), in that on October 28, 2003, it failed to comply with the
18 following sections of the California Code of Regulations, title 16:

19 a. Section 3305, subdivision (a): Respondent Gurnur failed to perform the
20 brake and lamp inspections in accordance with current standards, specifications, instructions, and
21 directives issued by the Bureau.

22 b. Section 3316, subdivision (d)(2): Respondent Gurnur failed to inspect
23 the entire lighting system of the vehicle.

24 c. Section 3321, subdivision (c)(2): Respondent Gurnur failed to inspect
25 the entire brake system of the vehicle.

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1 SEVENTEENTH CAUSE FOR DISCIPLINE

2 (Aiding and Abetting Unlicensed Activity)

3 43. Respondent Gurnur has subjected its official brake and lamp station
4 licenses to discipline under Code sections 9889.3, subdivision (f), in that on or about October 28,
5 2003, Respondent Gurnur aided and abetted Bulent E. Atayola, an unlicensed person, to evade
6 the provisions of the chapter by allowing him to perform a brake and lamp inspection on the
7 1993 Ford Crown Victoria.

8 EIGHTEENTH CAUSE FOR DISCIPLINE

9 (Acts Involving Dishonesty, Fraud, or Deceit)

10 44. Respondent Gurnur has subjected its official brake and lamp station
11 licenses to discipline under Code section 9889.3. subdivision (d), in that on or about October 28,
12 2003, it committed acts involving dishonesty, fraud, or deceit, as follows:

13 a. Respondent Gurnur allowed the issuance of Brake Certificate No.
14 BA-1888844 and Lamp Certificate No. LA-1889143, certifying that the brake and lamp systems
15 on the vehicle had been inspected when, in fact, the brakes had not been inspected and the left
16 headlight was misadjusted outward.

17 b. Respondent Gurnur falsely represented on Brake Certificate No.
18 BA-1888844 and Lamp Certificate No. LA-1889143 that the vehicle had been inspected by a
19 licensed adjuster when, in fact, Bulent E. Atayola, an unlicensed person, performed those
20 inspections.

21 NINETEENTH CAUSE FOR DISCIPLINE

22 (Violations Relating to Licensed Activities)

23 45. Respondent Gurnur has subjected its official brake and lamp station
24 licenses to discipline under Code sections 9889.3, subdivisions (a), (c), and (h), in that on
25 October 28, 2003, he committed acts in violation of the Code and the California Code of
26 Regulations, title 16, relating to Respondent Gurnur's licensed activities, as set forth in
27 paragraphs 41 through 44, above.

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1 **TWENTIETH CAUSE FOR DISCIPLINE**

2 **(Failure to Comply with Chapter Requirements)**

3 46. Respondent Ozden has subjected his brake and lamp adjuster licenses to
4 discipline under Code section 9889.3. subdivision (d), in that on or about October 28, 2003, he
5 committed acts involving dishonesty, fraud, or deceit, by informing Bureau representatives that
6 he had performed the brake and lamp inspections of the 1993 Ford Crown Victoria and that he
7 had signed and issued the corresponding certificates when, in fact, he had not performed those
8 inspections and had not signed and issued the certificates.

9 **TWENTY-FIRST CAUSE FOR DISCIPLINE**

10 **(Aiding and Abetting Unlicensed Activity)**

11 47. Respondent Ozden has subjected his brake and lamp adjuster licenses to
12 discipline under Code sections 9889.3, subdivision (f), in that on or about October 28, 2003,
13 Respondent Ozden aided and abetted Bulent E. Atayola, an unlicensed person, to evade the
14 provisions of the chapter by allowing him to perform a brake and lamp inspection on the 1993
15 Ford Crown Victoria.

16 **TWENTY-SECOND CAUSE FOR DISCIPLINE**

17 **(Violations Relating to Licensed Activities)**

18 48. Respondent Ozden has subjected his brake and lamp adjuster licenses to
19 discipline under Code sections 9889.3, subdivisions (a) and (h), in that on October 28, 2003, he
20 committed acts in violation of the Code relating to his licensed activities, as set forth in
21 paragraphs 46 and 47, above.

22 **UNDERCOVER OPERATION NO. 3 - 1996 FORD CROWN VICTORIA**

23 49. On or about October 28, 2003, Paramjit Justin Gir who was acting as an
24 undercover operator ("operator") drove a 1993 Ford Crown Victoria, California License Plate
25 No. 6K01500, owned by Veteran's Cab Company, to Respondent Gurnur's facility for brake and
26 lamp inspections. The Bureau had previously documented the vehicle's brake and lamp systems.
27 The left headlight assembly was misadjusted outward. The operator spoke with Bulent E.
28 Atayola, an employee of Respondent Gurnur. Atayola was not a licensed brake and lamp

1 e. Respondent Gurnur falsely represented on Brake Certificate No.
2 BA-1888846 that the brake shoes and lining had been inspected when, in fact, the brake system
3 had not been inspected.

4 f. Respondent Gurnur falsely represented on Lamp Certificate No.
5 LA-1889145 that the vehicle was equipped with lighting equipment not on this vehicle.

6 **TWENTY-FOURTH CAUSE FOR DISCIPLINE**

7 **(Invoice Requirements)**

8 52. Respondent Gurnur has subjected its registration to discipline under Code
9 section 9884.7, subdivision (a)(2), in that on or about October 28, 2003, it allowed the operator
10 to sign the invoice dated October 28, 2003, that did not state the repairs requested by the
11 operator.

12 **TWENTY-FIFTH CAUSE FOR DISCIPLINE**

13 **(Fraud)**

14 53. Respondent Gurnur has subjected its registration to discipline under Code
15 section 9884.7, subdivision (a)(4), in that on or about October 28, 2003, it committed fraud by
16 allowing the issuance of Brake Certificate No. BA-1888846 and Lamp Certificate No.
17 LA-1889145 certifying that the brake and lamp systems were satisfactory when, in fact, the
18 vehicle's brake system had not been inspected and the lamp system had not been adjusted or
19 aimed.

20 **TWENTY-SIXTH CAUSE FOR DISCIPLINE**

21 **(Failure to Comply with Code)**

22 54. Respondent Gurnur has subjected its registration to discipline under Code
23 section 9884.7, subdivision (a)(6), in that on or about October 28, 2003, it failed to comply with
24 provisions of Code sections, as follows:

25 a. **Section 9884.9 subdivision (a)**: Respondent Gurnur failed to provide the
26 operator with a written estimated price for parts and labor for a specific job.

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b. Section 9889.16

i. Respondent Gurnur allowed Brake Certificate No. BA-1888846 to be issued, certifying that the brakes were satisfactory when, in fact, the brakes had not been inspected.

ii. Respondent Gurnur allowed Lamp Certificate No. LA-1889145 to be issued, certifying that the headlights had been adjusted and aimed when, in fact, the left headlight remained misadjusted outward.

c. Section 9889.22

i. Respondent Gurnur falsely represented on Brake Certificate No. BA-1888846 that the brakes were satisfactory when, in fact, the brakes had not been inspected.

d. Respondent Gurnur falsely represented on Lamp Certificate No. LA-1889145 that the headlights had been adjusted and aimed when, in fact, the left headlight remained misadjusted outward.

TWENTY-SEVENTH CAUSE FOR DISCIPLINE

(Failure to Comply with Regulations)

55. Respondent Gurnur has subjected its registration to discipline under Code section 9884.7, subdivision (a)(6), in that on October 28, 2003, it failed to comply with the following sections of the California Code of Regulations, title 16:

a. Section 3305, subdivision (a): Respondent Gurnur failed to perform the brake and lamp inspections in accordance with current standards, specifications, instructions, and directives issued by the Bureau.

b. Section 3316, subdivision (d)(2): Respondent Gurnur failed to inspect the entire lighting system of the vehicle.

c. Section 3321, subdivision (c)(2): Respondent Gurnur failed to inspect the entire brake system of the vehicle.

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1 **TWENTY-EIGHTH CAUSE FOR DISCIPLINE**

2 **(Aiding and Abetting Unlicensed Activity)**

3 56. Respondent Gurnur has subjected its official brake and lamp station
4 licenses to discipline under Code sections 9889.3, subdivision (f), in that on or about October 28,
5 2003, Respondent Gurnur aided and abetted Bulent E. Atayola, an unlicensed person, to evade
6 the provisions of the chapter by allowing him to perform a brake and lamp inspection on the
7 1996 Ford Crown Victoria.

8 **TWENTY-NINTH CAUSE FOR DISCIPLINE**

9 **(Acts Involving Dishonesty, Fraud, or Deceit)**

10 57. Respondent Gurnur has subjected its official brake and lamp station
11 licenses to discipline under Code section 9889.3. subdivision (d), in that on or about October 28,
12 2003, it committed acts involving dishonesty, fraud, or deceit, as follows:

13 a. Respondent Gurnur allowed the issuance of Brake Certificate No.
14 BA-1888846 and Lamp Certificate No. LA-1889145, certifying that the brake and lamp systems
15 on the vehicle had been inspected when, in fact, the brakes had not been inspected and the left
16 headlight was misadjusted outward.

17 b. Respondent Gurnur falsely represented on Brake Certificate No.
18 BA-1888846 and Lamp Certificate No. LA-1889145 that the vehicle had been inspected by a
19 licensed adjuster when, in fact, Bulent E. Atayola, an unlicensed person, performed those
20 inspections.

21 **THIRTIETH CAUSE FOR DISCIPLINE**

22 **(Violations Relating to Licensed Activities)**

23 58. Respondent Gurnur has subjected its official brake and lamp station
24 licenses to discipline under Code sections 9889.3, subdivisions (a), (c), and (h), in that on
25 October 28, 2003, he committed acts in violation of the Code and the California Code of
26 Regulations, title 16, relating to Respondent Gurnur's licensed activities, as set forth in
27 paragraphs 54 through 57, above.

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- 1 1. Temporarily or permanently invalidating Automotive Repair Dealer
2 Registration Number AL 136179 issued to Gurnur International Corporation, doing business as
3 GIC German Auto Haus;
- 4 2. Temporarily or permanently invaliding any other automotive repair dealer
5 registration issued to Gurnur International Corporation, doing business as GIC German Auto
6 Haus;
- 7 3. Revoking or suspending Smog Check Station License Number
8 RL 136179 issued to Gurnur International Corporation, doing business as GIC German Auto
9 Haus;
- 10 4. Revoking or suspending any additional license issued under this chapter in
11 the name of Gurnur International Corporation, doing business as GIC German Auto Haus;
- 12 5. Revoking or suspending Official Brake Station License Number
13 BL 136179A issued to Gurnur International Corporation, doing business as GIC German Auto
14 Haus.
- 15 6. Revoking or suspending any additional license issued under this chapter in
16 the name of Gurnur International Corporation, doing business as GIC German Auto Haus;
- 17 7. Revoking or suspending Official Lamp Station License Number
18 LL 136179A issued to Gurnur International Corporation, doing business as GIC German Auto
19 Haus.
- 20 8. Revoking or suspending any additional license issued under this chapter in
21 the name of Gurnur International Corporation, doing business as GIC German Auto Haus;
- 22 9. Revoking or suspending Advanced Emission Specialist Technician
23 License Number EA 134514 issued to Mustafa Ozden;
- 24 10. Revoking or suspending any additional license issued under this chapter in
25 the name of Mustafa Ozden;
- 26 11. Revoking or suspending Brake Adjuster License Number JC 134514C
27 issued to Mustafa Ozden;
- 28 ///

1 12. Revoking or suspending any additional license issued under this chapter in
2 the name of Mustafa Ozden;

3 13. Revoking or suspending Lamp Adjuster License Number RY 134514A,
4 issued to Mustafa Ozden.

5 14. Revoking or suspending any additional license issued under this chapter in
6 the name of Mustafa Ozden;

7 15. Ordering Gurnur International Corporation and Mustafa Ozden to pay the
8 Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this
9 case, pursuant to Code section 125.3; and

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

11
12 DATED: 6/12/05



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14
15 RICHARD ROSS
16 Chief
17 Bureau of Automotive Repair
18 Department of Consumer Affairs
19 State of California
20 Complainant