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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. 77111-13

12 **GIL'S AUTO CARE & SALES**  
13 **LUIS EDUARDO GIL, OWNER**  
14 **528 N. Fries Ave**  
**Wilmington, CA 90744**  
15 **Automotive Repair Dealer Reg. No. ARD 258720**  
**Smog Check Test & Repair Station License No.**  
16 **RC 258720**  
**Lamp Station License No. LS 258720**  
17 **Brake Station License No. BS 258720**

**A C C U S A T I O N**

18 and

19 **ALAN DAVID MORRIS**  
20 **5617 W. Tampion Avenue**  
**Santa Ana, CA 92704**  
21 **Brake Adjuster No. BA 140060**  
**Lamp Adjuster No. LA 140060**

22 Respondents.

23 Complainant alleges:

24 **PARTIES/LICENSE INFORMATION**

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

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1           **Gil's Auto Care & Sales; Luis Eduardo Gil, Owner**

2           2.     On or about July 6, 2009, the Director of Consumer Affairs ("Director") issued  
3 Automotive Repair Dealer Registration Number ARD 258720 ("registration") to Luis Eduardo  
4 Gil ("Respondent Gil"), owner of Gil's Auto Care & Sales. Respondent's registration was in full  
5 force and effect at all times relevant to the charges brought herein and will expire on June 30,  
6 2012, unless renewed.

7           3.     On or about March 22, 2010, the Director issued Smog Check Test & Repair Station  
8 License Number RC 258720 ("smog check station license") to Respondent Gil. Respondent's  
9 smog check station license was in full force and effect at all times relevant to the charges brought  
10 herein and will expire on June 30, 2012, unless renewed.

11          4.     On or about July 8, 2009, the Director issued Lamp Station License Number LS  
12 258720 to Respondent Gil. Respondent's lamp station license was in full force and effect at all  
13 times relevant to the charges brought herein and will expire on June 30, 2012, unless renewed.

14          5.     On or about July 7, 2009, the Director issued Brake Station License Number BS  
15 258720 to Respondent Gil. Respondent's brake station license was in full force and effect at all  
16 times relevant to the charges brought herein and will expire on June 30, 2012, unless renewed.

17           **Alan David Morris**

18          6.     On or about November 2, 2009, the Director issued Brake Adjuster License Number  
19 BA 140060 to Alan David Morris ("Respondent Morris"). Respondent's brake adjuster license  
20 was in full force and effect at all times relevant to the charges brought herein and will expire on  
21 January 31, 2013, unless renewed.

22          7.     On or about December 9, 2009, the Director issued Lamp Adjuster License Number  
23 LA 140060 to Respondent Morris. Respondent's lamp adjuster license was in full force and effect  
24 at all times relevant to the charges brought herein and will expire on January 31, 2013, unless  
25 renewed.

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1 JURISDICTION

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

4 9. Bus. & Prof. Code section 9884.13 provides, in pertinent part, that the expiration of a  
5 valid registration shall not deprive the Director of jurisdiction to proceed with a disciplinary  
6 proceeding against an automotive repair dealer or to render a decision temporarily or permanently  
7 invalidating (suspending or revoking) a registration.

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

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

15 12. Health and Safety Code (“Health & Saf. Code”) section 44002 provides, in pertinent  
16 part, that the Director has all the powers and authority granted under the Automotive Repair Act  
17 for enforcing the Motor Vehicle Inspection Program.

18 13. Health & Saf. Code section 44072.6 provides, in pertinent part, that the expiration or  
19 suspension of a license by operation of law, or by order or decision of the Director of Consumer  
20 Affairs, or a court of law, or the voluntary surrender of the license shall not deprive the Director  
21 of jurisdiction to proceed with disciplinary action.

22 STATUTORY PROVISIONS

23 14. Bus. & Prof. Code section 9884.7 states, in pertinent part:

24 (a) The director, where the automotive repair dealer cannot show there  
25 was a bona fide error, may deny, suspend, revoke or place on probation the  
26 registration of an automotive repair dealer for any of the following acts or omissions  
27 related to the conduct of the business of the automotive repair dealer, which are done  
28 by the automotive repair dealer or any automotive technician, employee, partner,  
officer, or member of the automotive repair dealer.

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1 (1) Making or authorizing in any manner or by any means whatever any  
2 statement written or oral which is untrue or misleading, and which is known, or which  
3 by the exercise of reasonable care should be known, to be untrue or misleading.

4 . . . .

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

7 (4) Any other conduct that constitutes fraud.

8 . . . .

9 (6) Failure in any material respect to comply with the provisions of this  
10 chapter or regulations adopted pursuant to it.

11 . . . .

12 (c) Notwithstanding subdivision (b), the director may suspend, revoke or  
13 place on probation the registration for all places of business operated in this state by  
14 an automotive repair dealer upon a finding that the automotive repair dealer has, or is,  
15 engaged in a course of repeated and willful violations of this chapter, or regulations  
16 adopted pursuant to it.

17 15. Bus. & Prof. Code section 9889.3 states, in pertinent part:

18 The director may suspend, revoke, or take other disciplinary action  
19 against a license as provided in this article [Article 7 (commencing with section  
20 9889.1) of the Automotive Repair Act] if the licensee or any partner, officer, or  
21 director thereof:

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

24 . . . .

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

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

. . . .

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

16. Bus. & Prof. Code section 9889.16 states:

Whenever a licensed adjuster in a licensed station upon an inspection or  
after an adjustment, made in conformity with the instructions of the bureau,  
determines that the lamps or the brakes upon any vehicle conform with the  
requirements of the Vehicle Code, he shall, when requested by the owner or driver of  
the vehicle, issue a certificate of adjustment on a form prescribed by the director,

1 which certificate shall contain the date of issuance, the make and registration number  
2 of the vehicle, the name of the owner of the vehicle, and the official license of the  
station.

3 17. Bus. & Prof. Code section 9889.9 states that “[w]hen any license has been revoked or  
4 suspended following a hearing under the provisions of this article [Article 7 (commencing with  
5 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  
7 director.”

8 18. Bus. & Prof. Code section 22, subdivision (a), states:

9 “Board” as used in any provision of this Code, refers to the board in  
10 which the administration of the provision is vested, and unless otherwise expressly  
11 provided, shall include “bureau,” “commission,” “committee,” “department,”  
“division,” “examining committee,” “program,” and “agency.”

12 19. Bus. & Prof. Code section 477, subdivision (b), states, in pertinent part, that a  
13 “license” includes “registration” and “certificate.”

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

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

17 . . . .

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

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

23 **COST RECOVERY**

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

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1 system on the Bureau's 2000 Honda CRV. In fact, the right rear brake drum was machined  
2 beyond the manufacturer's drum discard specifications and had not been replaced on the vehicle.

3 b. Respondent Gil's technician, Respondent Morris, certified under penalty of perjury on  
4 Lamp Certificate No. LC1087267 that the applicable adjustment had been performed on the  
5 lighting system on the Bureau's 2000 Honda CRV. In fact, Respondent Morris failed to adjust  
6 the headlamps to manufacturer's specifications, as set forth in paragraph 24 above.

7 **SECOND CAUSE FOR DISCIPLINE**

8 **(Failure to Provide Customer with Copy of Signed Document)**

9 26. Respondent Gil's registration is subject to disciplinary action pursuant to Bus. & Prof.  
10 Code section 9884.7, subdivision (a)(3), in that Respondent Gil's technician, Respondent Morris,  
11 failed to provide the operator with a copy of the work order/estimate as soon as the operator  
12 signed the document.

13 **THIRD CAUSE FOR DISCIPLINE**

14 **(Fraud)**

15 27. Respondent Gil's registration is subject to disciplinary action pursuant to Bus. & Prof.  
16 Code section 9884.7, subdivision (a)(4), Respondent committed an act constituting fraud, as  
17 follows: Respondent obtained payment from the operator for performing the applicable  
18 adjustments or repairs of the brake and lighting systems on the Bureau's 2000 Honda CRV as  
19 specified by the Bureau and in accordance with the Vehicle Code. In fact, Respondent failed to  
20 perform the necessary adjustments and repairs in compliance with Bureau Regulations or the  
21 Vehicle Code.

22 **FOURTH CAUSE FOR DISCIPLINE**

23 **(Failure to Comply with the Bus. & Prof. Code)**

24 28. Respondent Gil's registration is subject to disciplinary action pursuant to Bus. & Prof.  
25 Code section 9884.7, subdivision (a)(6), in that Respondent failed to comply with section 9889.16  
26 of that Code in a material respect, as follows: Respondent issued Brake Certificate No.

27 BC1103465 and Certificate of Lamp Adjustment No. LC1087267 as to the Bureau's 2000 Honda

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1 CRV when the vehicle was not in compliance with Bureau Regulations or the requirements of the  
2 Vehicle Code.

3 **FIFTH CAUSE FOR DISCIPLINE**

4 **(Violations of Regulations)**

5 29. Respondent Gil's registration is subject to disciplinary action pursuant to Bus. & Prof.  
6 Code section 9884.7, subdivision (a)(6), in that Respondent failed to comply with provisions of  
7 California Code of Regulations, title 16, in the following material respects:

8 a. **Section 3305, subdivision (a)**: Respondent failed to perform the inspection of the  
9 brake system and adjustment of the lighting system on the Bureau's 2000 Honda CRV in  
10 accordance with the specifications, instructions, and directives issued by the Bureau and the  
11 vehicle manufacturer.

12 b. **Section 3316, subdivision (d)(2)**: Respondent issued Lamp Certificate No.  
13 LC1087267 as to the Bureau's 2000 Honda CRV when all of the lamps, lighting equipment,  
14 and/or related electrical systems on the vehicle were not in compliance with Bureau regulations.

15 c. **Section 3321, subdivision (c)(2)**: Respondent issued Brake Certificate No.  
16 BC1103465 as to the Bureau's 2000 Honda CRV when the brake system on the vehicle had not  
17 been completely tested or inspected.

18 **SIXTH CAUSE FOR DISCIPLINE**

19 **(Failure to Comply with the Bus. & Prof. Code)**

20 30. Respondent Gil's brake and lamp station licenses are subject to disciplinary action  
21 pursuant to Bus. & Prof. Code section 9889.3, subdivisions (a) and (h), in that Respondent  
22 violated section 9889.16 of that Code relating to his licensed activities, as set forth in paragraph  
23 28 above.

24 **SEVENTH CAUSE FOR DISCIPLINE**

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

26 31. Respondent Gil's brake and lamp station licenses are subject to disciplinary action  
27 pursuant to Bus. & Prof. Code section 9889.3, subdivision (c), in that Respondent failed to

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1 comply with the provisions of California Code of Regulations, title 16, sections 3305, subdivision  
2 (a), 3316, subdivision (d)(2), and 3321, subdivision (c)(2), as set forth in paragraph 29 above.

3 **EIGHTH CAUSE FOR DISCIPLINE**

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

5 32. Respondent Gil's brake and lamp station licenses are subject to disciplinary action  
6 pursuant to Bus. & Prof. Code section 9889.3, subdivision (d), in that Respondent committed acts  
7 involving dishonesty, fraud, or deceit whereby another was injured, as set forth in paragraph 27  
8 above.

9 **NINTH CAUSE FOR DISCIPLINE**

10 **(Failure to Comply with the Bus. & Prof. Code)**

11 33. Respondent Morris' brake and lamp adjuster licenses are subject to disciplinary action  
12 pursuant to Bus. & Prof. Code section 9889.3, subdivisions (a) and (h), in that he violated section  
13 9889.16 of that Code relating to his licensed activities, as set forth in paragraph 28 above.

14 **TENTH CAUSE FOR DISCIPLINE**

15 **(Violations of Regulations)**

16 34. Respondent Morris' brake and lamp adjuster licenses are subject to disciplinary action  
17 pursuant to Bus. & Prof. Code section 9889.3, subdivision (c), in that he failed to comply with the  
18 provisions of California Code of Regulations, title 16, sections 3305, subdivision (a), 3316,  
19 subdivision (d)(2), and 3321, subdivision (c)(2), as set forth in paragraph 29 above.

20 **UNDERCOVER OPERATION #2: 1998 TOYOTA CAMRY**

21 35. On October 20, 2010, an undercover operator of the Bureau ("operator") took the  
22 Bureau's 1998 Toyota Camry to Respondent Gil's facility and requested brake and lamp  
23 inspections on the vehicle. The rear brake drums on the Bureau-documented vehicle were  
24 machined beyond the manufacturer's drum discard specifications, the headlamps were out of  
25 adjustment, and the right license plate lamp bulb and right rear side marker lamp bulb were  
26 defective. Respondent Morris ("Morris") had the operator sign a work order/estimate totaling \$50  
27 for the inspection, but did not give him a copy. Morris took the vehicle on a test drive. After  
28 returning to the facility, Morris looked at the vehicle and told the operator that it needed a license

1 plate bulb at a cost of \$5. The operator authorized Morris to replace the bulb. Later, the operator  
2 observed another individual put air in the tires. The individual torqued the wheels, but did not  
3 remove them from the vehicle. The operator observed Morris shine the headlamps on an aiming  
4 screen, but never saw Morris adjust the headlamps. The operator paid the facility \$50 in cash and  
5 received copies of an invoice, Certificate of Brake Adjustment No. BC1138543, and Certificate  
6 of Lamp Adjustment No. LC1121643.

7 36. On October 27, 2010, the Bureau inspected the vehicle and found that the defective  
8 right license plate lamp bulb had been replaced. The Bureau also found that the headlamps had  
9 not been adjusted, the defective right rear side marker lamp bulb was still in place on the vehicle,  
10 the rear brake drums were not within manufacturer's specifications, and none of the wheels had  
11 been removed from the vehicle for inspection.

12 **ELEVENTH CAUSE FOR DISCIPLINE**

13 **(Untrue or Misleading Statements)**

14 37. Respondent Gil's registration is subject to disciplinary action pursuant to Bus. & Prof.  
15 Code section 9884.7, subdivision (a)(1), Respondent made or authorized statements which he  
16 knew or in the exercise of reasonable care should have known to be untrue or misleading, as  
17 follows:

18 a. Respondent Gil's technician, Respondent Morris, certified under penalty of perjury on  
19 Brake Certificate No. BC1138543 that the applicable inspection had been performed on the brake  
20 system on the Bureau's 1998 Toyota Camry. In fact, Respondent Morris failed to inspect the  
21 brake system on the vehicle.

22 b. Respondent Gil's technician, Respondent Morris, certified under penalty of perjury on  
23 Brake Certificate No. BC1138543 that the applicable repair had been performed on the brake  
24 system on the Bureau's 1998 Toyota Camry. In fact, the rear brake drums were machined beyond  
25 the manufacturer's drum discard specifications and had not been replaced on the vehicle.

26 c. Respondent Gil's technician, Respondent Morris, certified under penalty of perjury on  
27 Lamp Certificate No. LC1121643 that the applicable adjustment and repair had been performed  
28 on the lighting system on the Bureau's 1998 Toyota Camry. In fact, Respondent Morris failed to

1 adjust the headlamps on the vehicle, the headlamps were not adjusted to manufacturer's  
2 specifications, and the defective right rear side marker lamp bulb was still in place on the vehicle.

3 **TWELFTH CAUSE FOR DISCIPLINE**

4 **(Failure to Provide Customer with Copy of Signed Document)**

5 38. Respondent Gil's registration is subject to disciplinary action pursuant to Bus. & Prof.  
6 Code section 9884.7, subdivision (a)(3), in that Respondent Gil's technician, Respondent Morris,  
7 failed to provide the operator with a copy of the work order/estimate as soon as the operator  
8 signed the document.

9 **THIRTEENTH CAUSE FOR DISCIPLINE**

10 **(Fraud)**

11 39. Respondent Gil's registration is subject to disciplinary action pursuant to Bus. & Prof.  
12 Code section 9884.7, subdivision (a)(4), Respondent committed an act constituting fraud, as  
13 follows: Respondent obtained payment from the operator for performing the applicable  
14 inspections, adjustments, or repairs of the brake and lighting systems on the Bureau's 1998  
15 Toyota Camry as specified by the Bureau and in accordance with the Vehicle Code. In fact,  
16 Respondent failed to perform the necessary adjustments and repairs in compliance with Bureau  
17 Regulations or the Vehicle Code.

18 **FOURTEENTH CAUSE FOR DISCIPLINE**

19 **(Failure to Comply with the Bus. & Prof. Code)**

20 40. Respondent Gil's registration is subject to disciplinary action pursuant to Bus. & Prof.  
21 Code section 9884.7, subdivision (a)(6), in that Respondent failed to comply with section 9889.16  
22 of that Code in a material respect, as follows: Respondent issued Brake Certificate No.  
23 BC1138543 and Certificate of Lamp Adjustment No. LC1121643 as to the Bureau's 1998 Toyota  
24 Camry when the vehicle was not in compliance with Bureau Regulations or the requirements of  
25 the Vehicle Code.

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1 **FIFTEENTH CAUSE FOR DISCIPLINE**

2 **(Violations of Regulations)**

3 41. Respondent Gil's registration is subject to disciplinary action pursuant to Bus. & Prof.  
4 Code section 9884.7, subdivision (a)(6), in that Respondent failed to comply with provisions of  
5 California Code of Regulations, title 16, in the following material respects:

6 a. **Section 3305, subdivision (a)**: Respondent failed to perform the inspection of the  
7 brake system and adjustment and repair of the lighting system on the Bureau's 1998 Toyota  
8 Camry in accordance with the specifications, instructions, and directives issued by the Bureau and  
9 the vehicle manufacturer.

10 b. **Section 3316, subdivision (d)(2)**: Respondent issued Lamp Certificate No.  
11 LC1121643 as to the Bureau's 1998 Toyota Camry when all of the lamps, lighting equipment,  
12 and/or related electrical systems on the vehicle were not in compliance with Bureau regulations.

13 c. **Section 3321, subdivision (c)(2)**: Respondent issued Brake Certificate No.  
14 BC1138543 as to the Bureau's 1998 Toyota Camry when the brake system on the vehicle had not  
15 been completely tested or inspected.

16 **SIXTEENTH CAUSE FOR DISCIPLINE**

17 **(Failure to Comply with the Bus. & Prof. Code)**

18 42. Respondent Gil's brake and lamp station licenses are subject to disciplinary action  
19 pursuant to Bus. & Prof. Code section 9889.3, subdivisions (a) and (h), in that Respondent  
20 violated section 9889.16 of that Code relating to his licensed activities, as set forth in paragraph  
21 40 above.

22 **SEVENTEENTH CAUSE FOR DISCIPLINE**

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

24 43. Respondent Gil's brake and lamp station licenses are subject to disciplinary action  
25 pursuant to Bus. & Prof. Code section 9889.3, subdivision (c), in that Respondent failed to  
26 comply with the provisions of California Code of Regulations, title 16, sections 3305, subdivision  
27 (a), 3316, subdivision (d)(2), and 3321, subdivision (c)(2), as set forth in paragraph 41 above.

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1 **EIGHTEENTH CAUSE FOR DISCIPLINE**

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

3 44. Respondent Gil's brake and lamp station licenses are subject to disciplinary action  
4 pursuant to Bus. & Prof. Code section 9889.3, subdivision (d), in that Respondent committed acts  
5 involving dishonesty, fraud, or deceit whereby another was injured, as set forth in paragraph 39  
6 above.

7 **NINETEENTH CAUSE FOR DISCIPLINE**

8 **(Failure to Comply with the Bus. & Prof. Code)**

9 45. Respondent Morris' brake and lamp adjuster licenses are subject to disciplinary action  
10 pursuant to Bus. & Prof. Code section 9889.3, subdivisions (a) and (h), in that he violated section  
11 9889.16 of that Code relating to his licensed activities, as set forth in paragraph 40 above.

12 **TWENTIETH CAUSE FOR DISCIPLINE**

13 **(Violations of Regulations)**

14 46. Respondent Morris' brake and lamp adjuster licenses are subject to disciplinary action  
15 pursuant to Bus. & Prof. Code section 9889.3, subdivision (c), in that he failed to comply with the  
16 provisions of California Code of Regulations, title 16, sections 3305, subdivision (a), 3316,  
17 subdivision (d)(2), and 3321, subdivision (c)(2), as set forth in paragraph 41 above.

18 **UNDERCOVER OPERATION #3: 2004 DODGE NEON**

19 47. On November 17, 2010, an undercover operator of the Bureau ("operator") took the  
20 Bureau's 2004 Dodge Neon to Respondent Gil's facility and requested brake and lamp  
21 inspections on the vehicle. The rear brake drums on the Bureau-documented vehicle were  
22 machined beyond the manufacturer's drum discard specifications, the passenger side headlamp  
23 was out of adjustment, and the license plate lamp bulb was defective. Respondent Morris  
24 ("Morris") drove the vehicle into the shop and turned on the lights. Morris then came into the  
25 office and had the operator sign a work order/estimate totaling \$50 for the inspection, but did not  
26 give him a copy. Morris went back out to the shop and looked at the vehicle. Later, Morris told  
27 the operator that the vehicle needed a license plate bulb, but did not offer to replace it on the  
28 vehicle. The operator never saw Morris remove the wheels or adjust the headlamps on the

1 vehicle. The operator paid the facility \$50 in cash and received copies of an invoice, Certificate  
2 of Brake Adjustment No. BC1154600, and Certificate of Lamp Adjustment No. LC1137700.

3 48. On November 24, 2010, the Bureau inspected the vehicle and found that the  
4 passenger side headlamp had not been adjusted, the defective license plate lamp bulb was still in  
5 place on the vehicle, the rear brake drums were not within manufacturer's specifications, and  
6 none of the wheels had been removed from the vehicle for inspection.

7 **TWENTY-FIRST CAUSE FOR DISCIPLINE**

8 **(Untrue or Misleading Statements)**

9 49. Respondent Gil's registration is subject to disciplinary action pursuant to Bus. & Prof.  
10 Code section 9884.7, subdivision (a)(1), Respondent made or authorized statements which he  
11 knew or in the exercise of reasonable care should have known to be untrue or misleading, as  
12 follows:

13 a. Respondent Gil's technician, Respondent Morris, certified under penalty of perjury on  
14 Brake Certificate No. BC1154600 that the applicable inspection had been performed on the brake  
15 system on the Bureau's 2004 Dodge Neon. In fact, Respondent Morris failed to inspect the brake  
16 system on the vehicle.

17 b. Respondent Gil's technician, Respondent Morris, certified under penalty of perjury on  
18 Brake Certificate No. BC1154600 that the applicable repair had been performed on the brake  
19 system on the Bureau's 2004 Dodge Neon. In fact, the rear brake drums were machined beyond  
20 the manufacturer's drum discard specifications and had not been replaced on the vehicle.

21 c. Respondent Gil's technician, Respondent Morris, certified under penalty of perjury on  
22 Lamp Certificate No. LC1137700 that the applicable adjustment and repair had been performed  
23 on the lighting system on the Bureau's 2004 Dodge Neon. In fact, Respondent Morris failed to  
24 adjust the passenger side headlamp on the vehicle, the headlamp was not adjusted to  
25 manufacturer's specifications, and the defective license plate lamp bulb was still in place on the  
26 vehicle.

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1 d. Respondent Gil represented on the invoice that the tire pressure was "set" and the  
2 wheels were torqued on the Bureau's 2004 Dodge Neon. In fact, those repairs or services were  
3 not performed on the vehicle.

4 **TWENTY-SECOND CAUSE FOR DISCIPLINE**

5 **(Failure to Provide Customer with Copy of Signed Document)**

6 50. Respondent Gil's registration is subject to disciplinary action pursuant to Bus. & Prof.  
7 Code section 9884.7, subdivision (a)(3), in that Respondent Gil's technician, Respondent Morris,  
8 failed to provide the operator with a copy of the work order/estimate as soon as the operator  
9 signed the document.

10 **TWENTY-THIRD CAUSE FOR DISCIPLINE**

11 **(Fraud)**

12 51. Respondent Gil's registration is subject to disciplinary action pursuant to Bus. & Prof.  
13 Code section 9884.7, subdivision (a)(4), Respondent committed an act constituting fraud, as  
14 follows: Respondent obtained payment from the operator for performing the applicable  
15 inspections, adjustments, or repairs of the brake and lighting systems on the Bureau's 2004  
16 Dodge Neon as specified by the Bureau and in accordance with the Vehicle Code. In fact,  
17 Respondent failed to perform the necessary adjustments and repairs in compliance with Bureau  
18 Regulations or the Vehicle Code.

19 **TWENTY-FOURTH CAUSE FOR DISCIPLINE**

20 **(Failure to Comply with the Bus. & Prof. Code)**

21 52. Respondent Gil's registration is subject to disciplinary action pursuant to Bus. & Prof.  
22 Code section 9884.7, subdivision (a)(6), in that Respondent failed to comply with section 9889.16  
23 of that Code in a material respect, as follows: Respondent issued Brake Certificate No.  
24 BC1154600 and Certificate of Lamp Adjustment No. LC1137700 as to the Bureau's 2004 Dodge  
25 Neon when the vehicle was not in compliance with Bureau Regulations or the requirements of the  
26 Vehicle Code.

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1 **TWENTY-FIFTH CAUSE FOR DISCIPLINE**

2 (Violations of Regulations)

3 53. Respondent Gil's registration is subject to disciplinary action pursuant to Bus. & Prof.  
4 Code section 9884.7, subdivision (a)(6), in that Respondent failed to comply with provisions of  
5 California Code of Regulations, title 16, in the following material respects:

6 a. **Section 3305, subdivision (a)**: Respondent failed to perform the inspection of the  
7 brake system and adjustment and repair of the lighting system on the Bureau's 2004 Dodge Neon  
8 in accordance with the specifications, instructions, and directives issued by the Bureau and the  
9 vehicle manufacturer.

10 b. **Section 3316, subdivision (d)(2)**: Respondent issued Lamp Certificate No.  
11 LC1137700 as to the Bureau's 2004 Dodge Neon when all of the lamps, lighting equipment,  
12 and/or related electrical systems on the vehicle were not in compliance with Bureau regulations.

13 c. **Section 3321, subdivision (c)(2)**: Respondent issued Brake Certificate No.  
14 BC1154600 as to the Bureau's 2004 Dodge Neon when the brake system on the vehicle had not  
15 been completely tested or inspected.

16 **TWENTY-SIXTH CAUSE FOR DISCIPLINE**

17 (Failure to Comply with the Bus. & Prof. Code)

18 54. Respondent Gil's brake and lamp station licenses are subject to disciplinary action  
19 pursuant to Bus. & Prof. Code section 9889.3, subdivisions (a) and (h), in that Respondent  
20 violated section 9889.16 of that Code relating to his licensed activities, as set forth in paragraph  
21 52 above.

22 **TWENTY-SEVENTH CAUSE FOR DISCIPLINE**

23 (Failure to Comply with Regulations)

24 55. Respondent Gil's brake and lamp station licenses are subject to disciplinary action  
25 pursuant to Bus. & Prof. Code section 9889.3, subdivision (c), in that Respondent failed to  
26 comply with the provisions of California Code of Regulations, title 16, sections 3305, subdivision  
27 (a), 3316, subdivision (d)(2), and 3321, subdivision (c)(2), as set forth in paragraph 53 above.

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OTHER MATTERS

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2           60. Pursuant to Bus. & Prof. Code section 9884.7, subdivision (c), the Director may  
3 suspend, revoke or place on probation the registration for all places of business operated in this  
4 state by Respondent Luis Eduardo Gil, owner of Gil's Auto Care & Sales, upon a finding that  
5 Respondent has, or is, engaged in a course of repeated and willful violations of the laws and  
6 regulations pertaining to an automotive repair dealer.

7           61. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Test & Repair  
8 Station License Number RC 258720, issued to Respondent Luis Eduardo Gil, owner of Gil's Auto  
9 Care & Sales, is revoked or suspended, any additional license issued under Chapter 5 of the  
10 Health & Saf. Code in the name of said licensee may be likewise revoked or suspended by the  
11 Director.

12           62. Pursuant to Bus. & Prof. Code section 9889.9, if Lamp Station License Number  
13 LS 258720, issued to Respondent Luis Eduardo Gil, owner of Gil's Auto Care & Sales, is revoked  
14 or suspended, any additional license issued under Articles 5 and 6 of Chapter 20.3 of the Bus. &  
15 Prof. Code in the name of said licensee may be likewise revoked or suspended by the Director.

16           63. Pursuant to Bus. & Prof. Code section 9889.9, if Brake Station License Number  
17 BS 258720, issued to Respondent Luis Eduardo Gil, owner of Gil's Auto Care & Sales, is revoked  
18 or suspended, any additional license issued under Articles 5 and 6 of Chapter 20.3 of the Bus. &  
19 Prof. Code in the name of said licensee may be likewise revoked or suspended by the Director.

20           64. Pursuant to Bus. & Prof. Code section 9889.9, if Brake Adjuster License Number  
21 BA 140060, issued to Respondent Alan David Morris, is revoked or suspended, any additional  
22 license issued under Articles 5 and 6 of Chapter 20.3 of the Bus. & Prof. Code in the name of said  
23 licensee may be likewise revoked or suspended by the Director.

24           65. Pursuant to Bus. & Prof. Code section 9889.9, if Lamp Adjuster License Number  
25 LA 140060, issued to Respondent Alan David Morris, is revoked or suspended, any additional  
26 license issued under Articles 5 and 6 of Chapter 20.3 of the Bus. & Prof. Code in the name of said  
27 licensee may be likewise revoked or suspended by the Director.

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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 or suspending Automotive Repair Dealer Registration Number ARD 258720, issued to Luis Eduardo Gil, owner of Gil's Auto Care & Sales;
2. Revoking or suspending any other automotive repair dealer registration issued to Luis Eduardo Gil;
3. Revoking or suspending Smog Check Test & Repair Station License Number RC 258720, issued to Luis Eduardo Gil, owner of Gil's Auto Care & Sales,;
4. Revoking or suspending any additional license issued under Chapter 5 of the Health and Safety Code in the name of Luis Eduardo Gil;
5. Revoking or suspending Lamp Station License Number LS 258720, issued to Luis Eduardo Gil, owner of Gil's Auto Care & Sales;
6. Revoking or suspending Brake Station License Number BS 258720, issued to Luis Eduardo Gil, owner of Gil's Auto Care & Sales;
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 Luis Eduardo Gil;
8. Revoking or suspending Brake Adjuster License Number BA 140060, issued to Respondent Alan David Morris;
9. Revoking or suspending Lamp Adjuster License Number LA 140060, issued to Respondent Alan David Morris;
10. 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 Alan David Morris;
11. Ordering Luis Eduardo Gil, owner of Gil's Auto Care & Sales, and Alan Davis Morris 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;

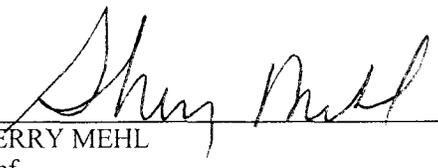
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12. Taking such other and further action as deemed necessary and proper.

DATED: 9/13/11

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

LA2011600559