

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

In the Matter of the Accusation Against:

**CALIFORNIA TIRE**  
**JACINTO CRUZ, OWNER**  
512 E. Pine Street  
Compton, CA 90222-2818

**MAILING ADDRESS**  
8553 Meadow Road  
Downey, CA 90242

Automotive Repair Dealer Registration No. ARD  
139447  
Smog Check Station License No. RC 139447  
Lamp Station License No. LS 139447  
Brake Station License No. BS 139447

**JOSE LUIS CRUZ**  
8553 Meadow Road  
Downey, CA 90242

Smog Check Inspector License No. EO 631193  
Smog Check Repair Technician License No. EI  
631193 (formerly Advanced Emission Specialist  
Technician license No. EA 631193)  
Brake Adjuster License No. BA 631193, class C  
Lamp Adjuster License No. LA 631193, class A

Respondent.

Case No. 77/14-28

OAH No. 2014010014

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby accepted and adopted as the Decision of the Director of the Department of Consumer Affairs in the above-entitled matter.

This Decision shall become effective September 12, 2014.

DATED: August 18, 2014

  
\_\_\_\_\_  
DOREATHEA JOHNSON  
Deputy Director, Legal Affairs  
Department of Consumer Affairs

1 KAMALA D. HARRIS  
Attorney General of California  
2 MARC D. GREENBAUM  
Supervising Deputy Attorney General  
3 ZACHARY T. FANSELOW  
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*Attorneys for Complainant*

7  
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. 77/14-28

12 **CALIFORNIA TIRE**  
13 **JACINTO CRUZ, OWNER**  
14 **512 E. Pine Street**  
**Compton, CA 90222-2818**

OAH No. 2014010014

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

15 **MAILING ADDRESS**  
16 **8553 Meadow Road**  
**Downey, CA 90242**

17 **Automotive Repair Dealer Registration No.**  
**ARD 139447**  
18 **Smog Check Station License No. RC 139447**  
19 **Lamp Station License No. LS 139447**  
20 **Brake Station License No. BS 139447**

21 **JOSE LUIS CRUZ**  
22 **8553 Meadow Road**  
23 **Downey, CA 90242**

24 **Smog Check Inspector License No. EO 631193**  
25 **Smog Check Repair Technician License No. EI**  
26 **631193 (formerly Advanced Emission Specialist**  
27 **Technician License No. EA 631193)**  
28 **Brake Adjuster License No. BA 631193, class C**  
**Lamp Adjuster License No. LA 631193, class A**

Respondents.

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

1 PARTIES

2 1. Patrick Dorais ("Complainant") is the Chief of the Bureau of Automotive Repair. He  
3 brought this action solely in his official capacity and is represented in this matter by Kamala D.  
4 Harris, Attorney General of the State of California, by Zachary T. Fanselow, Deputy Attorney  
5 General.

6 2. Respondent California Tire, Jacinto Cruz – Owner and Respondent Jose Luis Cruz  
7 are represented in this proceeding by attorney William Ferreira, whose address is: Automotive  
8 Defense Specialists, 582 Market Street, Suite 1608, San Francisco, CA 94104.

9 **Automotive Repair Dealer Registration ARD 139447**

10 3. On or about May 2, 1988, the Bureau of Automotive Repair issued Automotive  
11 Repair Dealer Registration Number ARD 139447 ("Registration") to California Tire, Jacinto  
12 Cruz – Owner ("Respondent California Tire"). The Registration was in full force and effect at all  
13 times relevant to the charges brought herein and will expire on April 30, 2015, unless renewed.

14 **Smog Check Station License RC 139447**

15 4. On or about February 9, 2010, the Bureau of Automotive Repair issued Smog Check  
16 Station License Number RC 139447 ("Station License") to Respondent California Tire. The  
17 Station License was in full force and effect at all times relevant to the charges brought herein and  
18 will expire on April 30, 2015, unless renewed.

19 **Lamp Station License LS 139447**

20 5. On or about June 29, 2010, the Bureau of Automotive Repair issued Lamp Station  
21 License Number LS 139447 ("Lamp Station License") to Respondent California Tire. The Lamp  
22 Station License was in full force and effect at all times relevant to the charges brought herein and  
23 will expire on April 30, 2015, unless renewed.

24 **Brake Station License BS 139447**

25 6. On or about June 29, 2010, the Bureau of Automotive Repair issued Brake Station  
26 License Number BS 139447 ("Brake Station License") to Respondent California Tire. The Brake  
27 Station License was in full force and effect at all times relevant to the charges brought herein and  
28 will expire on April 30, 2015, unless renewed.



1 11. First Amended Accusation No. 77/14-28 was filed before the Director, for the  
2 Bureau, and is currently pending against Respondents. The First Amended Accusation and all  
3 other statutorily required documents were properly served on Respondents on June 9, 2014.

4 12. A copy of First Amended Accusation No. 77/14-28 is attached as Exhibit A and  
5 incorporated herein by reference.

6 **ADVISEMENT AND WAIVERS**

7 13. Respondents have carefully read, fully discussed with counsel, and understand the  
8 charges and allegations in First Amended Accusation No. 77/14-28. Respondents have also  
9 carefully read, fully discussed with counsel, and understand the effects of this Stipulated  
10 Settlement and Disciplinary Order.

11 14. Respondents are fully aware of their legal rights in this matter, including the right to a  
12 hearing on the charges and allegations in the First Amended Accusation; the right to be  
13 represented by counsel at their own expense; the right to confront and cross-examine the  
14 witnesses against them; the right to present evidence and to testify on their own behalf; the right  
15 to the issuance of subpoenas to compel the attendance of witnesses and the production of  
16 documents; the right to reconsideration and court review of an adverse decision; and all other  
17 rights accorded by the California Administrative Procedure Act and other applicable laws.

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

20 **CULPABILITY**

21 16. Respondents admit the truth of each and every charge and allegation in First  
22 Amended Accusation No. 77/14-28.

23 17. Respondent California Tire agrees that its Registration Number ARD 139447, Station  
24 License Number RC 139447, Lamp Station License Number LS 139447, and Brake Station  
25 License Number BS 139447 are subject to discipline and Respondent California Tire agrees to be  
26 bound by the Director's probationary terms as set forth in the Disciplinary Order below.

27 18. Respondent Jose Cruz agrees that his Brake Adjuster License Number BA 631193,  
28 and Lamp Adjuster License Number LA 631193 are subject to discipline and Respondent Jose

1 Cruz agrees to be bound by the Director's probationary terms as set forth in the Disciplinary  
2 Order below.

3 **CONTINGENCY**

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

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

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

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

27 ///

28 ///

1 **DISCIPLINARY ORDER**

2 **AS TO RESPONDENT JOSE LUIS CRUZ**

3 IT IS HEREBY ORDERED that Brake Adjuster License Number BA 631193, class C, and  
4 Lamp Adjuster License Number LA 631193, class A, issued to Respondent Jose Cruz are  
5 revoked. However, the revocations are stayed and Respondent Jose Cruz is placed on probation  
6 for three (3) years on the following terms and conditions.

7 1. **Actual Suspension.** Brake Adjuster License Number BA 631193, class C, and Lamp  
8 Adjuster License Number LA 631193, class A, issued to Respondent Jose Cruz are each  
9 suspended for thirty (30) consecutive days to begin on the effective date of the decision.

10 2. **Obey All Laws.** Comply with all statutes, regulations and rules governing  
11 automotive inspections, estimates and repairs.

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

16 4. **Random Inspections.** Provide Bureau representatives unrestricted access to inspect  
17 all vehicles (including parts) undergoing repairs, up to and including the point of completion.

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

22 6. **Violation of Probation.** Should the Director of Consumer Affairs determine that  
23 Respondent Jose Cruz has failed to comply with the terms and conditions of probation, the  
24 Department may, after giving notice and opportunity to be heard suspend or revoke Brake  
25 Adjuster License Number BA 631193, class C, and Lamp Adjuster License Number LA 631193,  
26 class A.

27 7. **Cost Recovery.** Respondent Jose Cruz shall pay to the Bureau, pursuant to Business  
28 and Professions Code section 125.3 the costs of investigation and enforcement in this matter in

1 the amount of \$13,574.05. These costs are the same costs referenced in paragraph 17 and all  
2 Respondents are jointly and severally liable for these costs. Payment to the Bureau shall be made  
3 in twenty four (24) equal installments, with the final payment due twelve (12) months before the  
4 termination of probation. Failure to complete payment of cost recovery in this time frame shall  
5 constitute a violation of probation which may subject Respondent Jose Cruz' licenses to outright  
6 revocation; however, the Director or the Director's Bureau of Automotive Repair designee may  
7 elect to continue probation until such time as reimbursement of the entire cost recovery amount  
8 has been made to the Bureau.

9 **AS TO RESPONDENT CALIFORNIA TIRE**

10 IT IS HEREBY ORDERED that Automotive Repair Dealer Registration Number ARD  
11 139447, Smog Check Station License Number RC 139447, Lamp Station License Number LS  
12 139447 and Brake Station License Number BS 139447 issued to Respondent California Tire are  
13 revoked. However, the revocations are stayed and Respondent California Tire is placed on  
14 probation for three (3) years on the following terms and conditions.

15 8. **Actual Suspension.** Automotive Repair Dealer Registration Number ARD 139447,  
16 Smog Check Station License Number RC 139447, Lamp Station License Number LS 139447 and  
17 Brake Station License Number BS 139447 issued to Respondent California Tire are each  
18 suspended for five (5) consecutive days to begin on the effective date of the decision.

19 9. **Obey All Laws.** Comply with all statutes, regulations and rules governing  
20 automotive inspections, estimates and repairs.

21 10. **Post Sign.** Post a prominent sign, provided by the Bureau, indicating the beginning  
22 and ending dates of the suspension and indicating the reason for the suspension. The sign shall be  
23 conspicuously displayed in a location open to and frequented by customers and shall remain  
24 posted during the entire period of actual suspension.

25 11. **Reporting.** Respondent California Tire or Respondent California Tire's authorized  
26 representative must report in person or in writing as prescribed by the Bureau of Automotive  
27 Repair, on a schedule set by the Bureau, but no more frequently than each quarter, on the methods  
28 used and success achieved in maintaining compliance with the terms and conditions of probation.

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

5           13.   **Random Inspections.** Provide Bureau representatives unrestricted access to inspect  
6 all vehicles (including parts) undergoing repairs, up to and including the point of completion.

7           14.   **Jurisdiction.** If an accusation is filed against Respondent California Tire during the  
8 term of probation, the Director of Consumer Affairs shall have continuing jurisdiction over this  
9 matter until the final decision on the accusation, and the period of probation shall be extended  
10 until such decision.

11           15.   **Violation of Probation.** Should the Director of Consumer Affairs determine that  
12 Respondent California Tire has failed to comply with the terms and conditions of probation, the  
13 Department may, after giving notice and opportunity to be heard suspend or revoke Automotive  
14 Repair Dealer Registration Number ARD 139447, Smog Check Station License Number RC  
15 139447, Lamp Station License Number LS 139447 and Brake Station License Number BS  
16 139447.

17           16.   **Restrictions.** During the period of probation, Respondent California Tire shall not  
18 perform any form of smog inspection, or emission system diagnosis or repair, until Respondent  
19 California Tire has purchased, installed, and maintained the diagnostic and repair equipment  
20 prescribed by BAR necessary to properly perform such work, and BAR has been given 10 days  
21 notice of the availability of the equipment for inspection by a BAR representative.

22           17.   **Cost Recovery.** Respondent California Tire shall pay to the Bureau, pursuant to  
23 Business and Professions Code section 125.3 the costs of investigation and enforcement in this  
24 matter in the amount of \$13,574.05. The costs are the same costs referenced in paragraph 7 and  
25 all Respondents are jointly and severally liable for these costs. Payment to the Bureau shall be  
26 made in twenty four (24) equal installments, with the final payment due twelve (12) months  
27 before the termination of probation. Failure to complete payment of cost recovery in this time  
28 frame shall constitute a violation of probation which may subject Respondent California Tire's

1 licenses and registration to outright revocation; however, the Director or the Director's Bureau of  
2 Automotive Repair designee may elect to continue probation until such time as reimbursement of  
3 the entire cost recovery amount has been made to the Bureau.

4 ACCEFTANCE

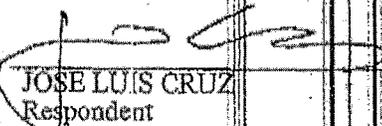
5 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
6 discussed it with my attorney, William Ferreira. I understand the stipulation and the effect it will  
7 have on my Automotive Repair Dealer Registration, Smog Check Station License, Brake Station  
8 License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

11  
12 DATED: 7-11-14

  
CALIFORNIA TIRE  
JACINTO CRUZ, OWNER  
Respondent

15 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
16 discussed it with my attorney, William Ferreira. I understand the stipulation and the effect it will  
17 have on my Brake Adjuster License and Lamp Adjuster License. I enter into this Stipulated  
18 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be  
19 bound by the Decision and Order of the Director of Consumer Affairs.

20  
21 DATED: 7-11-14

  
JOSE LUIS CRUZ  
Respondent

23 I have read and fully discussed with Respondent California Tire, Jacinto Cruz - Owner and  
24 Respondent Jose Luis Cruz the terms and conditions and other matters contained in the above  
25 Stipulated Settlement and Disciplinary Order. I approve its form and content.

26  
27 DATED: 7/11/14

  
William Ferreira  
Attorney for Respondent.

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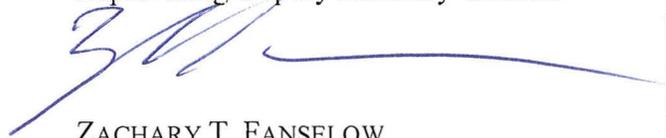
ENDORSEMENT

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

Dated: 7/11/14

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
MARC D. GREENBAUM  
Supervising Deputy Attorney General



ZACHARY T. FANSELOW  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**First Amended Accusation No. 77/14-28**

1 KAMALA D. HARRIS  
Attorney General of California  
2 MARC D. GREENBAUM  
Supervising Deputy Attorney General  
3 ZACHARY T. FANSELOW  
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*Attorneys for Complainant*

7  
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. (77/14-28)

12 **CALIFORNIA TIRE**  
13 **JACINTO CRUZ, OWNER**  
512 E. Pine Street  
14 Compton, CA 90222-2818

**FIRST AMENDED ACCUSATION**

15 **MAILING ADDRESS**  
8553 Meadow Road  
16 Downey, CA 90242

17 **Automotive Repair Dealer Registration No. ARD**  
139447  
18 **Smog Check Station License No. RC 139447**  
**Lamp Station License No. LS 139447**  
19 **Brake Station License No. BS 139447**

20 **JOSE LUIS CRUZ**  
8553 Meadow Road  
21 Downey, CA 90242

22 **Smog Check Inspector License No. EO 631193**  
**Smog Check Repair Technician License No. EI**  
23 **631193 (formerly Advanced Emission Specialist**  
**Technician License No. EA 631193)**  
24 **Brake Adjuster License No. BA 631193, class C**  
**Lamp Adjuster License No. LA 631193, class A**

25  
26 Respondents.

1 Complainant alleges:

2 **PARTIES**

3 1. Patrick Dorais ("Complainant") brings this First Amended Accusation solely in his  
4 official capacity as the Chief of the Bureau of Automotive Repair, Department of Consumer  
5 Affairs.

6 **Automotive Repair Dealer Registration ARD 139447**

7 2. On or about May 2, 1988, the Bureau of Automotive Repair issued Automotive  
8 Repair Dealer Registration Number ARD 139447 ("Registration") to California Tire, Jacinto Cruz  
9 - Owner ("Respondent California Tire"). The Registration was in full force and effect at all times  
10 relevant to the charges brought herein and will expire on April 30, 2015, unless renewed.

11 **Smog Check Station License RC 139447**

12 3. On or about February 9, 2010, the Bureau of Automotive Repair issued Smog Check  
13 Station License Number RC 139447 ("Station License") to Respondent California Tire. The  
14 Station License was in full force and effect at all times relevant to the charges brought herein and  
15 will expire on April 30, 2015, unless renewed.

16 **Lamp Station License LS 139447**

17 4. On or about June 29, 2010, the Bureau of Automotive Repair issued Lamp Station  
18 License Number LS 139447 ("Lamp Station License") to Respondent California Tire. The Lamp  
19 Station License was in full force and effect at all times relevant to the charges brought herein and  
20 will expire on April 30, 2015, unless renewed.

21 **Brake Station License BS 139447**

22 5. On or about June 29, 2010, the Bureau of Automotive Repair issued Brake Station  
23 License Number BS 139447 ("Brake Station License") to Respondent California Tire. The Brake  
24 Station License was in full force and effect at all times relevant to the charges brought herein and  
25 will expire on April 30, 2015, unless renewed.

26 **Smog Check Inspector EO 631193 and Smog Check Repair Technician EI 631193**

27 6. On or about July 20, 2009, the Bureau of Automotive Repair issued Advanced  
28 Emission Specialist Technician License Number EA 631193 to Jose Luis Cruz ("Respondent Jose

1 Cruz"). Respondent Jose Cruz' Technician License was due to expire on December 31, 2013,  
2 However, the license was cancelled on December 12, 2013, and reissued pursuant to Respondent's  
3 election as Smog Check Inspector License No. EO 631193 and Smog Check Repair Technician  
4 License No. EI 631193 ("Inspector and Repair Licenses"), effective December 27, 2013.  
5 Respondent Jose Cruz' Inspector and Repair Licenses are set to expire on December 31, 2015,  
6 unless renewed.<sup>1</sup>

7 **Brake Adjuster License BA 631193, class C**

8 7. On or about February 8, 2010, the Bureau of Automotive Repair issued Brake  
9 Adjuster License Number BA 631193, class C ("Brake Adjuster License") to Respondent Jose  
10 Luis Cruz. The Brake Adjuster License was in full force and effect at all times relevant to the  
11 charges brought herein and will expire on December 31, 2017, unless renewed.

12 **Lamp Adjuster License LA 631193, class A**

13 8. On or about May 10, 2010, the Bureau of Automotive Repair issued Lamp Adjuster  
14 License Number LA 631193, class A ("Lamp Adjuster License") to Respondent Jose Luis Cruz.  
15 The Lamp Adjuster License was in full force and effect at all times relevant to the charges brought  
16 herein and will expire on December 31, 2017, unless renewed.

17 **JURISDICTION**

18 9. This First Amended Accusation is brought before the Director of Consumer Affairs  
19 ("Director") for the Bureau of Automotive Repair, under the authority of the following laws.

20 10. Section 9884.7<sup>2</sup> provides that the Director may revoke an automotive repair dealer  
21 registration

22 11. Section 9884.13 provides, in pertinent part, that the expiration of a valid registration  
23 shall not deprive the director or chief of jurisdiction to proceed with a disciplinary proceeding

24  
25 <sup>1</sup> Effective August 1, 2012, California Code of Regulations, title 16, sections 3340.28,  
26 3340.39, and 3340.30 were amended to implement a license restructure from the Advanced  
27 Emission Specialist Technician (EA) license and Basic Area (EB) Technician license to Smog  
28 Check Inspector (EO) license and/or Smog Check Repair Technician (EI) license.

<sup>2</sup> All section references are to the Business and Professions Code, unless otherwise  
indicated.

1 against an automotive repair dealer or to render a decision invalidating a registration temporarily  
2 or permanently.

3 12. Section 9889.1 provides, in pertinent part, that the Director may suspend or revoke  
4 any license issued under Articles 5 and 6 (commencing with section 9887.1) of the Automotive  
5 Repair Act.

6 13. Section 9889.7 provides, in pertinent part, that the expiration or suspension of a  
7 license by operation of law or by order or decision of the Director or a court of law, or the  
8 voluntary surrender of a license shall not deprive the Director of jurisdiction to proceed with any  
9 disciplinary proceedings.

10 14. Health and Safety Code section 44002, provides, in pertinent part, that the Director  
11 has all the powers and authority granted under the Automotive Repair Act for enforcing the Motor  
12 Vehicle Inspection Program.

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

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

#### 21 STATUTORY PROVISIONS

22 17. Section 118, subdivision (b), provides that the suspension, expiration, surrender, or  
23 cancellation of a license shall not deprive the Board, Registrar, or Director of jurisdiction to  
24 proceed with a disciplinary action during the period within which the license may be renewed,  
25 restored, reissued or reinstated.

26 18. Section 477 states, in pertinent part:

27 (a) "Board" includes "bureau," "commission," "committee," "department,"  
28 "division," "examining committee," "program," and "agency."

(b) "License" includes certificate, registration or other means to engage in a

business or profession regulated by the Code.

19. Section 9884.7 states, in pertinent part:

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

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

(2) Causing or allowing a customer to sign any work order which does not state the repairs requested by the customer or the automobile's odometer reading at the time of repair.

....

(4) Any other conduct that constitutes fraud.

....

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

....

(b) Except as provided for in subdivision (c), if an automotive repair dealer operates more than one place of business in this state, the director pursuant to subdivision (a) shall only suspend, revoke, or place on probation the registration of the specific place of business which has violated any of the provisions of this chapter. This violation, or action by the director, shall not affect in any manner the right of the automotive repair dealer to operate his or her other places of business.

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

20. Section 9884.9 states, in pertinent part:

(a) The automotive repair dealer shall give to the customer a written estimated price for labor and parts necessary for a specific job. No work shall be done and no charges shall accrue before authorization to proceed is obtained from the customer. No charge shall be made for work done or parts supplied in excess of the estimated price without the oral or written consent of the customer that shall be obtained at some time after it is determined that the estimated price is insufficient and before the work not estimated is done or the parts not estimated are supplied. Written consent or authorization for an increase in the original estimated price may be provided by electronic mail or facsimile transmission from the customer. The bureau may specify in regulation the procedures to be followed by an automotive repair dealer when an

1 authorization or consent for an increase in the original estimated price is provided by  
2 electronic mail or facsimile transmission. If that consent is oral, the dealer shall make  
3 a notation on the work order of the date, time, name of person authorizing the  
4 additional repairs and telephone number called, if any, together with a specification of  
5 the additional parts and labor and the total additional cost . . .

6  
7 21. Section 9887.4 states: "[i]t is unlawful to violate any regulation adopted by the  
8 director pursuant to Articles 5, 6, and 7 of this chapter."

9  
10 22. Section 9889.3 states, in pertinent part, that "[t]he director may suspend, revoke, or  
11 take other disciplinary action against a license as provided in this article if the licensee or any  
12 partner, officer, or director thereof:

13 (a) Violates any section of the Business and Professions Code that relates to his or  
14 her licensed activities.

15 . . . .

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

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

20 . . . .

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

23 23. Section 9889.16 states:

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

### REGULATORY PROVISIONS

31 24. Health and Safety Code section 44072.2 states:

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

35 (a) Violates any section of this chapter [the Motor Vehicle Inspection Program

1 (Health and Safety Code, § 44000, et seq.)] and the regulations adopted pursuant to it,  
2 which related to the licensed activities.

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

4 (d) Commits any act involving dishonesty, fraud, or deceit whereby another is injured.  
5

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

8 25. Health and Safety Code section 44072.8 states that "[w]hen a license has been  
9 revoked or suspended following a hearing under this article, any additional license issued under  
10 this chapter in the name of the licensee may be likewise revoked or suspended by the director."

11 26. California Code of Regulations, title 16, section 3305, subdivision (a), states: "All  
12 adjusting, inspecting, servicing, and repairing of brake systems and lamp systems for the purpose  
13 of issuing any certificate of compliance or adjustment shall be performed in official stations, by  
14 official adjusters, in accordance with the following, in descending order of precedence, as  
15 applicable:

16 "(1) Vehicle Manufacturers' current standards, specifications and recommended procedures,  
17 as published in the manufacturers' vehicle service and repair manuals.

18 "(2) Current standards, specifications, procedures, directives, manuals, bulletins and  
19 instructions issued by vehicle and equipment or device manufacturers.

20 "(3) Standards, specifications and recommended procedures found in current industry-  
21 standard reference manuals and periodicals published by nationally recognized repair information  
22 providers.

23 "(4) The bureau's Handbook for Brake Adjusters and Stations, February 2003; which is  
24 hereby incorporated by reference.

25 "(5) The bureau's Handbook for Lamp Adjusters and Stations, February 2003, which is  
26 hereby incorporated by reference."

27 27. California Code of Regulations, title 16, section 3316, subdivision (d), states:  
28 "Effective April 1, 1999, licensed stations shall purchase certificates of adjustment from the bureau

1 for a fee of three dollars and fifty cents (\$ 3.50) each and shall not purchase or otherwise obtain  
2 such certificates from any other source. Full payment is required at the time certificates are  
3 ordered. Certificates are not exchangeable following delivery. A licensed station shall not sell or  
4 otherwise transfer unused certificates of adjustment. Issuance of a lamp adjustment certificate shall  
5 be in accordance with the following provisions:

6 “(1) When a lamp adjustment certificate is issued to an applicant for an authorized  
7 emergency vehicle permit, the certificate shall certify that the vehicle has been inspected, that all  
8 lamps and related electrical systems meet all requirements of the Vehicle Code and bureau  
9 regulations, and that all lamps capable of adjustment are properly adjusted.

10 “(2) Where all of the lamps, lighting equipment, and related electrical systems on a vehicle  
11 have been inspected and found to be in compliance with all requirements of the Vehicle Code and  
12 bureau regulations, the certificate shall certify that the entire system meets all of those  
13 requirements.”

14 28. California Code of Regulations, title 16, section 3321, subdivision (c), states, in  
15 pertinent part: “Effective April 1, 1999, licensed stations shall purchase certificates of adjustment  
16 from the bureau for a fee of three dollars and fifty cents (\$ 3.50) and shall not purchase or  
17 otherwise obtain such certificates from any other source. A licensed station shall not sell or  
18 otherwise transfer unused certificates of adjustment. Full payment is required at the time  
19 certificates are ordered. Certificates are not exchangeable following delivery. Issuance of a brake  
20 adjustment certificate shall be in accordance with the following provisions:

21 ....  
22 “(2) Where the entire brake system on any vehicle has been inspected or tested and found to  
23 be in compliance with all requirements of the Vehicle Code and bureau regulations, and the vehicle  
24 has been road-tested, the certificate shall certify that the entire system meets all such  
25 requirements.”

#### 26 COST RECOVERY

27 29. Section 125.3 provides, in pertinent part, that a Board may request the administrative  
28 law judge to direct a licentiate found to have committed a violation or violations of the licensing

1 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the  
2 case.

3 **UNDERCOVER OPERATION #1: MAY 15, 2012**

4 30. On or about May 15, 2012, a Bureau undercover operator drove a Bureau  
5 documented 1987 Chevrolet to Respondent California Tire's facility and requested a brake and  
6 lamp inspection. The right headlamp was out of adjustment, the rear brake drums were oversized  
7 and exceeded the manufacturer's discard specification and the license plate lights were non-  
8 operational. Respondent Jose Cruz instructed the operator to sign a work order but the operator  
9 was not given a copy of the estimate.

10 31. Respondent Jose Cruz then drove the vehicle into a bay, placed it on a lift, lifted the  
11 vehicle off the ground and removed one tire. The tire was reinstalled and the vehicle was lowered  
12 to the ground. Respondent Jose Cruz checked the lights and replaced the license plate bulb.  
13 Respondent Jose Cruz also opened the hood. After the work was completed, the operator paid  
14 Respondent Jose Cruz \$60.00 and received copies of an invoice, Certificate of Brake Adjustment  
15 No. [REDACTED] and Certificate of Lamp Adjustment No. [REDACTED]. The operator never  
16 observed Respondent Jose Cruz or anyone else at the facility test drive the vehicle.

17 32. On May 16, 2012, the Bureau inspected the vehicle and found that the defective plate  
18 lamp bulbs had been replaced; however, the right headlamp was still out of adjustment and the rear  
19 brake drums were oversized and exceeded the manufacturer's discard specification. The brake  
20 certificate indicated that the vehicle was road tested at 20 mph, and it stopped in fifteen feet. In  
21 fact the vehicle was not road tested. The Bureau also found that three of the four wheels had not  
22 been removed from the vehicle.

23 **FIRST CAUSE FOR DISCIPLINE**

24 **(Untrue or Misleading Statements)**

25 33. Respondent California Tire's Registration is subject to disciplinary action pursuant to  
26 section 9884.7, subdivision (a)(1), in that on or about May 15, 2012, Respondent California Tire  
27 made or authorized statements which Respondent California Tire knew or in the exercise of  
28 reasonable care should have known to be untrue or misleading, as follows:

1 a. Respondent California Tire certified under penalty of perjury on Brake Certificate No.  
2 [REDACTED] that the applicable inspection was performed on the brake system on the Bureau's  
3 1987 Chevrolet. In fact, Respondent California Tire failed to completely and properly inspect the  
4 brakes on the vehicle.

5 b. Respondent California Tire certified under penalty of perjury on Brake Certificate No.  
6 [REDACTED] that the rear brake drums on the Bureau's 1987 Chevrolet were in a satisfactory  
7 condition. In fact, the rear brake drums were oversized and exceeded the manufacturer's discard  
8 specification.

9 c. Respondent California Tire certified under penalty of perjury on Brake Certificate No.  
10 [REDACTED] that the Bureau's 1987 Chevrolet had a stopping distance of 15 feet from a speed of  
11 20 miles per hour as a result of a road-test. In fact, Respondent California Tire never road tested  
12 the vehicle.

13 d. Respondent California Tire certified under penalty of perjury on Lamp Certificate No.  
14 [REDACTED] that the applicable adjustment had been properly performed on the lighting system on  
15 the Bureau's 1987 Chevrolet. In fact, the right headlamp was out of adjustment.

16 **SECOND CAUSE FOR DISCIPLINE**

17 **(Fraud)**

18 34. Respondent California Tire's Registration is subject to disciplinary action pursuant to  
19 section 9884.7, subdivision (a)(4), in that on or about May 15, 2012, Respondent California Tire  
20 and Respondent Jose Cruz committed acts constituting fraud, as follows: Respondent California  
21 Tire and Respondent Jose Cruz obtained payment from the operator for performing the applicable  
22 inspections, adjustments, or repairs of the brake and lighting systems on the Bureau's 1987  
23 Chevrolet as specified by the Bureau and in accordance with the Vehicle Code. In fact,  
24 Respondent California Tire and Respondent Jose Cruz failed to perform the necessary inspections,  
25 adjustments, and repairs in compliance with Bureau Regulations or the Vehicle Code.

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1 THIRD CAUSE FOR DISCIPLINE

2 (Failure to Comply with the Business and Professions Code)

3 35. Respondent California Tire's Registration is subject to disciplinary action pursuant to  
4 section 9884.7, subdivision (a)(6), in that Respondent California Tire failed to comply with section  
5 9889.16 of that Code in the following material respects: Respondent California Tire issued Brake  
6 Certificate No. [REDACTED] and Lamp Certificate No. [REDACTED] to the Bureau's 1987 Chevrolet  
7 when the vehicle was not in compliance with Bureau Regulations or the requirements of the  
8 Vehicle Code.

9 FOURTH CAUSE FOR DISCIPLINE

10 (Violations of Regulations)

11 36. Respondent California Tire's Registration is subject to disciplinary action pursuant to  
12 section 9884.7, subdivision (a)(6), in that on or about May 15, 2012, Respondent California Tire  
13 failed to comply with provisions of California Code of Regulations, title 16, in the following  
14 material respects:

15 a. Section 3305, subdivision (a): Respondent California Tire failed to perform the  
16 inspection of the brake system and inspection and adjustment of the lighting system on the  
17 Bureau's 1987 Chevrolet in accordance with the specifications, instructions, and directives issued  
18 by the Bureau and the vehicle manufacturer.

19 b. Section 3316, subdivision (d)(2): Respondent California Tire issued Lamp  
20 Certificate No. [REDACTED] to the Bureau's 1987 Chevrolet when all of the lamps, lighting  
21 equipment, and/or related electrical systems on the vehicle were not in compliance with Bureau  
22 regulations.

23 c. Section 3321, subdivision (c)(2): Respondent California Tire issued Brake  
24 Certificate No. [REDACTED] to the Bureau's 1987 Chevrolet when the brake system on the vehicle  
25 had not been completely tested or inspected.

26 FIFTH CAUSE FOR DISCIPLINE

27 (Failure to Comply with the Business and Professions Code)

28 37. Respondent California Tire's Brake Station License and Lamp Station License as well

1 as Respondent Jose Cruz' Brake Adjuster License and Lamp Adjuster License are subject to  
2 disciplinary action pursuant to section 9889.3, subdivisions (a) and (h), in that Respondent  
3 California Tire and Respondent Jose Cruz violated section 9889.16 relating to their licensed  
4 activities, as set forth in paragraph 35 above.

5 **SIXTH CAUSE FOR DISCIPLINE**

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

7 38. Respondent California Tire's Brake Station License and Lamp Station License as well  
8 as Respondent Jose Cruz' Brake Adjuster License and Lamp Adjuster License are subject to  
9 disciplinary action pursuant to section 9889.3, subdivision (c), in that Respondent California Tire  
10 and Respondent Jose Cruz failed to comply with the provisions of California Code of Regulations,  
11 title 16, sections 3305, subdivision (a), 3316, subdivision (d)(2), 3321, subdivision (c)(2), and  
12 3356, subdivisions (a)(2)(A) and (a)(2)(B), as set forth in paragraph 36 above.

13 **SEVENTH CAUSE FOR DISCIPLINE**

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

15 39. Respondent California Tire's Brake Station License and Lamp Station License as well  
16 as Respondent Jose Cruz' Brake Adjuster License and Lamp Adjuster License are subject to  
17 disciplinary action pursuant to section 9889.3, subdivision (d), in that Respondent California Tire  
18 and Respondent Jose Cruz committed acts involving dishonesty, fraud, or deceit whereby another  
19 was injured, as set forth in paragraph 34 above.

20 **EIGHTH CAUSE FOR DISCIPLINE**

21 **(Failure to Comply with the Business and Professions Code)**

22 40. Respondent California Tire's Brake Station License and Lamp Station License as well  
23 as Respondent Jose Cruz' Brake Adjuster License and Lamp Adjuster License are subject to  
24 disciplinary action pursuant to section 9889.3, subdivisions (a) and (h), in that Respondent  
25 California Tire and Respondent Jose Cruz violated section 9889.16 relating to their licensed  
26 activities, as set forth in paragraph 35 above.

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1 performed. The operator declined the repairs, paid Respondent Jose Cruz \$53.00 and received the  
2 final invoice.

3 45. That same day, the operator returned to the facility and requested the necessary  
4 repairs. The operator did not fill out or sign another work order and did not receive a written  
5 estimate. Respondent Jose Cruz replaced the reverse lights. The operator paid Respondent Jose  
6 Cruz \$27.00 and received of copies of Certificate of Brake Adjustment No. [REDACTED] and  
7 Certificate of Lamp Adjustment No. [REDACTED] but no final receipt. The operator never  
8 observed Respondent Jose Cruz or anyone else at the facility test drive the vehicle.

9 46. On November 1, 2012, the Bureau inspected the vehicle and found that the defective  
10 back-up lights had been replaced; however, while the left headlamp had been adjusted it was still  
11 out of adjustment specification and the rear brake drums were oversized and exceeded the  
12 manufacturer's discard specification. The brake certificate indicated that the vehicle was road  
13 tested at twenty (20) mph, and it stopped in 10 (ten) feet. In fact the vehicle was not road tested.  
14 The Bureau also found that three of the four wheels had not been removed from the vehicle.

15 **ELEVENTH CAUSE FOR DISCIPLINE**

16 **(Untrue or Misleading Statements)**

17 47. Respondent California Tire's Registration is subject to disciplinary action pursuant to  
18 section 9884.7, subdivision (a)(1), in that on or about October 26, 2012, Respondent California  
19 Tire made or authorized statements which Respondent California Tire knew or in the exercise of  
20 reasonable care should have known to be untrue or misleading, as follows:

21 a. Respondent California Tire certified under penalty of perjury on Brake Certificate No.  
22 [REDACTED] that the applicable inspection was performed on the brake system on the Bureau's  
23 2000 Toyota. In fact, Respondent California Tire failed to properly inspect the brakes on the  
24 vehicle.

25 b. Respondent California Tire certified under penalty of perjury on Brake Certificate No.  
26 [REDACTED] that the rear brake drums on the Bureau's 2000 Toyota were in a satisfactory  
27 condition. In fact, the rear brake drums were oversized and exceeded the manufacturer's discard  
28 specification.

1 c. Respondent California Tire certified under penalty of perjury on Brake Certificate No.  
2 [REDACTED] that the Bureau's 2000 Toyota had a stopping distance of 10 feet from a speed of 20  
3 miles per hour as a result of a road-test. In fact, Respondent California Tire never road tested the  
4 vehicle.

5 d. Respondent California Tire certified under penalty of perjury on Lamp Certificate No.  
6 [REDACTED] that the applicable adjustment had been properly performed on the lighting system on  
7 the Bureau's 2000 Toyota. In fact, the left headlamp was out of adjustment.

8 **TWELFTH CAUSE FOR DISCIPLINE**

9 **(Fraud)**

10 48. Respondent California Tire's Registration is subject to disciplinary action pursuant to  
11 section 9884.7, subdivision (a)(4), in that on or about October 26, 2012, Respondent California  
12 Tire and Respondent Jose Cruz committed acts constituting fraud, as follows: Respondent  
13 California Tire and Respondent Jose Cruz obtained payment from the operator for performing the  
14 applicable inspections, adjustments, or repairs of the brake and lighting systems on the Bureau's  
15 2000 Toyota as specified by the Bureau and in accordance with the Vehicle Code. In fact,  
16 Respondent California Tire and Respondent Jose Cruz failed to perform the necessary inspections,  
17 adjustments, and repairs in compliance with Bureau Regulations or the Vehicle Code.

18 **THIRTEENTH CAUSE FOR DISCIPLINE**

19 **(Failure to Comply with the Business and Professions Code)**

20 49. Respondent California Tire's Registration is subject to disciplinary action pursuant to  
21 section 9884.7, subdivision (a)(6), in that Respondent California Tire failed to comply with section  
22 9889.16 of the Business and Professions Code in the following material respects: Respondent  
23 California Tire issued Brake Certificate No. [REDACTED] and Lamp Certificate No. [REDACTED] to  
24 the Bureau's 2000 Toyota when the vehicle was not in compliance with Bureau Regulations or the  
25 requirements of the Vehicle Code.

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1 **FOURTEENTH CAUSE FOR DISCIPLINE**

2 **(Violations of Regulations)**

3 50. Respondent California Tire's Registration is subject to disciplinary action pursuant to  
4 section 9884.7, subdivision (a)(6), in that on or about October 26, 2012, Respondent California  
5 Tire failed to comply with provisions of California Code of Regulations, title 16, in the following  
6 material respects:

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

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

15 c. **Section 3321, subdivision (c)(2)**: Respondent California Tire issued Brake  
16 Certificate No. [REDACTED] to the Bureau's 2000 Toyota when the brake system on the vehicle  
17 had not been completely tested or inspected.

18 **FIFTEENTH CAUSE FOR DISCIPLINE**

19 **(Failure to Comply with the Business and Professions Code)**

20 51. Respondent California Tire's Brake Station License and Lamp Station License as well  
21 as Respondent Jose Cruz' Brake Adjuster License and Lamp Adjuster License are subject to  
22 disciplinary action pursuant to section 9889.3, subdivisions (a) and (h), in that Respondent  
23 California Tire and Respondent Jose Cruz violated section 9889.16 relating to their licensed  
24 activities, as set forth in paragraph 49 above.

25 **SIXTEENTH CAUSE FOR DISCIPLINE**

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

27 52. Respondent California Tire's Brake Station License and Lamp Station License as well  
28 as Respondent Jose Cruz' Brake Adjuster License and Lamp Adjuster License are subject to

1 disciplinary action pursuant to section 9889.3, subdivision (c), in that Respondent California Tire  
2 and Respondent Jose Cruz failed to comply with the provisions of California Code of Regulations,  
3 title 16, sections 3305, subdivision (a), 3316, subdivision (d)(2), 3321, subdivision (c)(2), and  
4 3356, subdivisions (a)(2)(A) and (a)(2)(B), as set forth in paragraph 50 above.

5 **SEVENTEENTH CAUSE FOR DISCIPLINE**

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

7 53. Respondent California Tire's Brake Station License and Lamp Station License as well  
8 as Respondent Jose Cruz' Brake Adjuster License and Lamp Adjuster License are subject to  
9 disciplinary action pursuant to section 9889.3, subdivision (d), in that Respondent California Tire  
10 and Respondent Jose Cruz committed acts involving dishonesty, fraud, or deceit whereby another  
11 was injured, as set forth in paragraph 48 above.

12 **EIGHTEENTH CAUSE FOR DISCIPLINE**

13 **(Failure to Comply with the Business and Professions Code)**

14 54. Respondent California Tire's Brake Station License and Lamp Station License as well  
15 as Respondent Jose Cruz' Brake Adjuster License and Lamp Adjuster License are subject to  
16 disciplinary action pursuant to section 9889.3, subdivisions (a) and (h), in that Respondent  
17 California Tire and Respondent Jose Cruz violated section 9889.16 relating to their licensed  
18 activities, as set forth in paragraph 49 above.

19 **NINETEENTH CAUSE FOR DISCIPLINE**

20 **(Violations of Regulations)**

21 55. Respondent California Tire's Brake Station License and Lamp Station License as well  
22 as Respondent Jose Cruz' Brake Adjuster License and Lamp Adjuster License are subject to  
23 disciplinary action pursuant to section 9889.3, subdivision (c), in that Respondent California Tire  
24 and Respondent Jose Cruz failed to comply with the provisions of California Code of Regulations,  
25 title 16, sections 3305, subdivision (a), 3316, subdivision (d)(2), 3321, subdivision (c)(2), and  
26 3356, subdivisions (a)(2)(A) and (a)(2)(B), as set forth in paragraph 50 above.

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1 TWENTIETH CAUSE FOR DISCIPLINE

2 (Dishonesty, Fraud or Deceit)

3 56. Respondent California Tire's Station License and Respondent Jose Cruz' Inspector  
4 and Repair Licenses are subject to disciplinary action pursuant to Health and Safety Code section  
5 44072.2, subdivision (d), in that Respondent California Tire and Respondent Jose Cruz committed  
6 dishonest, fraudulent, or deceitful acts whereby another is injured, as set forth in paragraph 44  
7 above.

8 OTHER MATTERS

9 57. Pursuant to section 9884.7, subdivision (c), the Director may suspend, revoke or place  
10 on probation the registration for all places of business operated in this state by Respondent  
11 California Tire, Jacinto Cruz – Owner, upon a finding that Respondent California Tire has, or is,  
12 engaged in a course of repeated and willful violations of the laws and regulations pertaining to an  
13 automotive repair dealer.

14 58. Pursuant to Health and Safety Code section 44072.8, if Smog Check Station License  
15 Number RC 139447 issued to Respondent California Tire, Jacinto Cruz – Owner, is revoked or  
16 suspended, any additional license issued under Chapter 5 of the Health and Safety Code in the  
17 name of said licensee may be likewise revoked or suspended by the Director.

18 59. Pursuant to section 9889.9, if Lamp Station License Number LS 139447, issued to  
19 Respondent California Tire, Jacinto Cruz – Owner, is revoked or suspended, any additional license  
20 issued under Articles 5 and 6 of Chapter 20.3 of the Business and Professions Code in the name of  
21 said licensee may be likewise revoked or suspended by the Director.

22 60. Pursuant to section 9889.9, if Brake Station License Number BS 139447, issued to  
23 Respondent California Tire, Jacinto Cruz – Owner, is revoked or suspended, any additional license  
24 issued under Articles 5 and 6 of Chapter 20.3 of the Business and Professions Code in the name of  
25 said licensee may be likewise revoked or suspended by the Director.

26 61. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector  
27 License No. EO 631193 (formerly Advanced Emission Specialist Technician License Number BA  
28 631193) issued to Respondent Jose Luis Cruz, is revoked or suspended, any additional license

1 issued under Chapter 5 of the Health and Safety Code in the name of said licensee may be likewise  
2 revoked or suspended by the Director.

3 62. Pursuant to Health and Safety Code section 44072.8, if Smog Check Repair  
4 Technician License No. EI 631193 (formerly Advanced Emission Specialist Technician License  
5 Number EA 631193) issued to Respondent Jose Luis Cruz, is revoked or suspended, any  
6 additional license issued under Chapter 5 of the Health and Safety Code in the name of said  
7 licensee may be likewise revoked or suspended by the Director.

8 63. Pursuant to Code section 9889.9, if Brake Adjuster License Number BA 631193,  
9 issued to Respondent Jose Luis Cruz, is revoked or suspended, any additional license issued under  
10 Articles 5 and 6 of Chapter 20.3 of the Business and Professions Code in the name of said licensee  
11 may be likewise revoked or suspended by the Director.

12 64. Pursuant to section 9889.9, if Lamp Adjuster License Number LA 631193, issued to  
13 Respondent Jose Luis Cruz, is revoked or suspended, any additional license issued under Articles 5  
14 and 6 of Chapter 20.3 of the Business and Professions Code in the name of said licensee may be  
15 likewise revoked or suspended by the Director.

16 **PRAYER**

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

19 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD  
20 139447, issued to Respondent California Tire, Jacinto Cruz – Owner;

21 2. Revoking or suspending any other automotive repair dealer registration issued to  
22 Jacinto Cruz;

23 3. Revoking or suspending Smog Check Station License Number RC 139447, issued to  
24 Respondent California Tire, Jacinto Cruz – Owner;

25 4. Revoking or suspending any additional license issued under Chapter 5 of the Health  
26 and Safety Code in the name of Jacinto Cruz;

27 5. Revoking or suspending Lamp Station License Number LS 139447, issued to  
28 Respondent California Tire, Jacinto Cruz – Owner;

