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

10 In the Matter of the Accusation Against:

Case No. 77/06-78

11 HI TECH AUTO GROUP; MI YOUNG RYU
1989 W. Washington Blvd. #B
12 Los Angeles, CA 90018

OAH No.

ACCUSATION

13 Automotive Repair Dealer Registration No. AM
14 219347
Lamp Station License No. LM 219347
15 Brake Station License No. BM 219347

16 and

17 JUNG SOO HONG
1989 W. Washington Blvd.
18 Los Angeles, CA 90018

19 Brake Adjuster License No. JC 144361C
Lamp Adjuster License No. RY 144361A

20 Respondents.
21

22 Complainant alleges:

23 PARTIES

24 1. Dennis Kenneally, (Complainant) brings this Accusation solely in his
25 official capacity as the Assistant Chief of the Bureau of Automotive Repair, Department of
26 Consumer Affairs.

27 2. On or about January 25, 2002 the Bureau of Automotive Repair issued
28 Automotive Repair Dealer Registration Number AM 219347 to Hi Tech Auto Group, Mi Young

1 Ryu, Owner (Respondent Ryu). The Automotive Repair Dealer Registration will expire on
2 December 31, 2006, unless renewed.

3 3. On or about January 26, 2004, the Director issued Official Brake Station
4 License Number BM 219347 to Respondent Ryu. Respondent Ryu's license was in full force
5 and effect at all times relevant to the charges brought herein and will expire on December 31,
6 2007, unless renewed.

7 4. On or about January 26, 2004, the Director issued Official Lamp Station
8 License Number LM 219347 to Respondent Ryu. Respondent Ryu's license was in full force
9 and effect at all times relevant to the charges brought herein and will expire on December 31,
10 2007, unless renewed.

11 5. On or about November 12, 2003, the Director issued Brake Adjuster
12 License Number JC 144361C to Respondent Jung Soo Hong (Respondent Hong). Respondent
13 Hong's license was in full force and effect at all times relevant to the charges brought herein and
14 will expire on July 31, 2007, unless renewed.

15 6. On or about September 25, 2003, the Director issued Lamp Adjuster
16 License Number RY 144361A to Respondent Jung Soo Hong (Respondent Hong). Respondent
17 Hong's license was in full force and effect at all times relevant to the charges brought herein and
18 will expire on July 31, 2007, unless renewed.

19 JURISDICTION

20 7. Business and Professions Code section 9884.7 provides that the Director
21 may invalidate an automotive repair dealer registration.¹

22 8. Section 9884.13 provides, in pertinent part, that the expiration of a valid
23 registration shall not deprive the Director of jurisdiction to proceed with a disciplinary
24 proceeding against an automotive repair dealer or to render a decision invalidating a registration
25 temporarily or permanently.

26 9. Section 9889.1 provides, in pertinent part, that the Director may suspend
27

28 1. All further references are to the Business and Professions Code unless otherwise noted.

1 or revoke any license issued under Articles 5 and 6 (commencing with section 9887.1) of the
2 Automötive Repair Act.

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

7 **STATUTORY PROVISIONS**

8 11. Section 9884.7 states, in pertinent part:

9 (a) The director, where the automotive repair dealer cannot show there
10 was a bona fide error, may refuse to validate, or may invalidate temporarily or
11 permanently, the registration of an automotive repair dealer for any of the
12 following acts or omissions related to the conduct of the business of the
13 automotive repair dealer, which are done by the automotive repair dealer or any
14 automotive technician, employee, partner, officer, or member of the automotive
15 repair dealer.

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

20

21 (4) Any other conduct which constitutes fraud.

22

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

25 12. Section 9884.7(c), states, in pertinent part, that the Director may invalidate
26 temporarily or permanently, the registration for all places of business operated in this state by an
27 automotive repair dealer upon a finding that the automotive repair dealer has, or is, engaged in a
28 course of repeated and willful violations of the laws and regulations pertaining to an automotive
repair dealer.

13 13. Section 9884.8 states:

14 All work done by an automotive repair dealer, including all warranty
15 work, shall be recorded on an invoice and shall describe all service work done
16 and parts supplied. Service work and parts shall be listed separately on the
17 invoice, which shall also state separately the subtotal prices for service work
18 and for parts, not including sales tax, and shall state separately the sales tax,

1 if any, applicable to each. If any used, rebuilt, or reconditioned parts are
2 supplied, the invoice shall clearly state that fact. If a part of a component
3 system is composed of new and used, rebuilt or reconditioned parts, such
4 invoice shall clearly state that fact. One copy shall be given to the customer
5 and one copy shall be retained by the automotive repair dealer.

6 14. Section 9884.9(a), states, in pertinent part, as follows:

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

22 15. Section 9889.3 states, in pertinent part:

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

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

.....

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

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

1 director.”

2 17. Section 9889.16 states:

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

11 18. Section 9889.22 states:

12 The willful making of any false statement or entry with regard to a
13 material matter in any oath, affidavit, certificate of compliance or
14 noncompliance, or application form which is required by this chapter [the
15 Automotive Repair Act] or Chapter 5 (commencing with Section 44000)
16 of Part 5 of Division 26 of the Health and Safety Code constitutes perjury
17 and is punishable as provided in the Penal Code.

18 19. Section 477 provides, in pertinent part, that “Board” includes “bureau,”
19 “commission,” “committee,” “department,” “division,” “examining committee,” “program,” and
20 “agency.” “License” includes certificate, registration or other means to engage in a business or
21 profession regulated by the Bus. & Prof. Code.

22 Cost Recovery

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

27 UNDERCOVER OPERATION #1: 1991 BUICK CENTURY

28 21. On November 8, 2005, an undercover operator with the Bureau
(hereinafter “operator”) took the Bureau's 1991 Buick Century to Respondent Ryu’s facility. At
the time of the visit, the rear brake drums on the Bureau-documented vehicle exceeded the
manufacturer's specifications, its left headlight was out of adjustment, and the vehicle’s back-up
lights were defective. Upon arrival, the operator told Respondent Hong that he had a salvage
vehicle and requested a brake and lamp inspection. Respondent Hong gave the operator a written

1 estimate of \$50 to perform the inspection which was paid in cash by the operator. Respondent
2 Hong asked the operator to get in the vehicle, start it, and turn on the headlights while he was in
3 front of the vehicle. The operator was then asked to turn off the engine and exit the vehicle.
4 Another employee removed the vehicle's right rear wheel and drum. Respondent Hong and the
5 employee looked at the brake and the employee then reinstalled the drum and wheel. Respondent
6 Hong advised the operator that all brakes looked good but the headlights were out of alignment
7 and that an adjustment would cost \$30. The operator paid the \$30 and received a copy of an
8 invoice and business card. The operator also received Brake Certificate of Compliance Number
9 BC-146692 and Lamp Certificate of Compliance Number LC-174402 from Respondent Hong.
10 At no time was the vehicle ever road tested.

11 **FIRST CAUSE FOR DISCIPLINE**

12 **(Untrue or Misleading Statements)**

13 22. Respondent Ryu's ARD registration is subject to disciplinary action
14 pursuant to section 9884.7(a)(1), in that on or about November 8, 2005, Respondent Ryu made or
15 authorized statements which she knew, or in the exercise of reasonable care should have known
16 to be untrue or misleading, as follows:

17 a. Respondent Ryu through Respondent Hong certified on Brake Certificate
18 of Compliance Number BC-146692 that the rear brake drums on the Bureau's 1991 Buick
19 Century were inspected when, in fact, Respondent Ryu failed to inspect them.

20 b. Respondent Ryu through Respondent Hong certified on Brake Certificate
21 of Compliance Number BC-146692 that the Bureau's 1991 Buick Century had a stopping
22 distance of 20 feet from a speed of 20 miles per hour as a result of a road-test when, in fact, the
23 vehicle was never road tested.

24 c. Respondent Ryu through Respondent Hong certified on Lamp Certificate
25 of Compliance Number LC-174402 that she had performed the applicable inspection,
26 adjustment, or repair of the back-up lights on the Bureau's 1991 Buick Century as specified by
27 the Bureau and the vehicle manufacturer when, in fact, the back-up lights were defective.

28 d. Respondent Ryu through Respondent Hong recorded \$80.00 as the amount

1 of the original estimate, when, in fact, the original estimate was \$50.00.

2 **SECOND CAUSE FOR DISCIPLINE**

3 **(Fraud)**

4 23. Respondent Ryu's ARD registration is subject to disciplinary action
5 pursuant to section 9884.7(a)(4), in that on or about November 8, 2005, she committed acts
6 constituting fraud. Respondent Ryu charged and accepted payment from the operator for
7 performing the applicable inspections, adjustments, or repairs of the brake and lighting systems
8 on the Bureau's 1991 Buick Century as specified by the Bureau and in accordance with the
9 Vehicle Code. In fact, Respondent Ryu failed to conduct the inspections and perform the
10 necessary adjustments and repairs in compliance with Bureau Regulations and the Vehicle Code.

11 **THIRD CAUSE FOR DISCIPLINE**

12 **(Failure to Comply with the Code)**

13 24. Respondent Ryu's ARD registration is subject to disciplinary action
14 pursuant to section 9884.7(a)(6), in that on or about November 8, 2005, she failed to comply with
15 the following Code provisions:

- 16 a. **Section 9884.7(a)(2)**: Respondent Ryu failed to record the vehicle's
17 odometer reading on the work order signed by the operator.
- 18 b. **Section 9884.9(a)**: Respondent Ryu failed to provide the operator with a
19 written estimate which documented the authorization to adjust the
20 vehicle's headlights.
- 21 c. **Section 9889.22**
- 22 1. Respondent Ryu willfully made false statements or entries on
23 Brake Certificate of Compliance Number BC-146692 as set forth
24 in paragraph 22-a and 22-b.
- 25 2. Respondent Ryu willfully made false statements or entries on
26 Lamp Certificate of Compliance Number LC-174402 as set forth in
27 paragraph 22-c.
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1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Violations of Regulations)**

3 25. Respondent Ryu's ARD registration is subject to disciplinary action
4 pursuant to section 9884.7(a)(6), in that on or about November 8, 2005, she failed to comply with
5 the following sections of California's Code of Regulations, title 16, as follows:

6 a. **Section 3305(a)**: Respondent Ryu failed to perform the
7 inspection of the brake system and inspection and adjustment of the lamp
8 system on the Bureau's 1991 Buick Century in accordance with the
9 specifications, instructions, and directives issued by the Bureau and the
10 vehicle manufacturer.

11 b. **Section 3353(c)(1)**: Respondent Ryu failed to document the additional
12 authorization on the invoice.

13 c. **Section 3373**:

14 i. Respondent Ryu made false or misleading statements by recording
15 \$80.00 as the amount of the original estimate, when, in fact, it was
16 \$50.00

17 ii. Respondent Ryu made false and misleading statements by entering
18 false information on the certificates of compliance as set forth in
19 paragraph 22.

20 **FIFTH CAUSE FOR DISCIPLINE**

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

22 26. Respondent Ryu's official brake and lamp licenses are subject to
23 disciplinary action pursuant to sections 9889.3(a) and 9889.3(h), in that on or about November 8,
24 2005, she violated sections 9884.7(a)(1), (a)(2), (a)(4), and (a)(6), 9884.9(a), and 9889.22
25 relating to her licensed activities as set forth in paragraphs 22-25.

26 **SIXTH CAUSE FOR DISCIPLINE**

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

28 27. Respondent Ryu's official brake and lamp licenses are subject to

1 disciplinary action pursuant to section 9889.3(c), in that on or about November 8, 2005, she
2 failed to comply with California Code of Regulations, title 16, sections 3305(a) 3353(c)(1), and
3 3373 as set forth in paragraph 25 above.

4 **SEVENTH CAUSE FOR DISCIPLINE**

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

6 28. Respondent Ryu's official brake and lamp licenses are subject to
7 disciplinary action pursuant to section 9889.3(d), in that on or about November 8, 2005, she
8 committed acts involving dishonesty, fraud, or deceit whereby another was injured, as set forth in
9 paragraph 23 above.

10 **EIGHTH CAUSE FOR DISCIPLINE**

11 **(Failure to Comply with the Code)**

12 29. Respondent Hong's brake and lamp adjuster licenses are subject to
13 disciplinary action pursuant to sections 9889.3(a) and 9889.3(h), in that on or about November 8,
14 2005, he violated the following provisions of the Code:

15 a. **Section 9884.7(a)(1)**: Respondent Hong made untrue or misleading
16 statements as further described in paragraph 22.

17 b. **Section 9889.22**

18 1. Respondent Hong willfully made false statements or entries on
19 Brake Certificate of Compliance Number BC-146692 as set forth
20 in paragraph 22-a and 22-b.

21 2. Respondent Hong willfully made false statements or entries on
22 Lamp Certificate of Compliance Number LC-174402 as set forth in
23 paragraph 22-c.

24 **NINTH CAUSE FOR DISCIPLINE**

25 **(Violations of Regulations)**

26 30. Respondent Hong's brake and lamp adjuster licenses are subject to
27 disciplinary action pursuant to section 9889.3(c), in that on or about November 8, 2005, he failed
28 to comply with California Code of Regulations, title 16 section 3373 as follows:

- 1 a. Respondent Hong made false or misleading statements by recording
2 \$80.00 as the amount of the original estimate, when, in fact, it was \$50.00.
3 b. Respondent Hong made false and misleading statements by entering false
4 information on the certificates of compliance as set forth in paragraph 22.

5 **UNDERCOVER OPERATION #2: 1987 OLDSMOBILE DELTA 88**

6 31. On November 16, 2005, an undercover operator with the Bureau took the
7 Bureau's 1987 Oldsmobile Delta 88 to Respondent Ryu's facility. At the time of the visit, the
8 rear brake drums on the Bureau-documented vehicle exceeded the manufacturer's specifications
9 and its back-up lights were defective. Upon arrival, the operator told Respondent Hong that he
10 had a salvage vehicle and requested a brake and lamp inspection. Respondent Hong gave the
11 operator a written estimate of \$50 to perform the inspection. Respondent Hong drove the vehicle
12 into a stall and asked the operator to turn on its headlights. Respondent Hong then circled the
13 vehicle and looked at the lights. Respondent Hong invited the operator into his office where he
14 provided the operator with Brake Certificate of Compliance Number BC-176053 and Lamp
15 Certificate of Compliance Number LC-174415. Respondent Hong asked for and received the
16 \$50 inspection fee from the operator. At no time did the operator observe anybody from the
17 subject facility remove the wheels to inspect the brakes, open the hood, utilize any equipment to
18 check the alignment of the headlights or road test the vehicle.

19 **TENTH CAUSE FOR DISCIPLINE**

20 **(Untrue or Misleading Statements)**

21 32. Respondent Ryu's ARD registration is subject to disciplinary action
22 pursuant to section 9884.7(a)(1), in that on or about November 16, 2005, Respondent Ryu made
23 or authorized statements which she knew, or in the exercise of reasonable care should have
24 known to be untrue or misleading, as follows:

25 a. Respondent Ryu through Respondent Hong certified on Brake Certificate
26 of Compliance Number BC-176053 that the rear brake drums on the Bureau's 1987 Oldsmobile
27 Delta 88 were inspected when, in fact, Respondent Ryu failed to inspect any of the brakes.

28 b. Respondent Ryu through Respondent Hong certified on Brake Certificate

1 of Compliance Number BC-176053 that the Bureau's 1987 Oldsmobile Delta 88 had a stopping
2 distance of 20 feet from a speed of 20 miles per hour as a result of a road-test when, in fact, the
3 vehicle was never road tested.

4 c. Respondent Ryu through Respondent Hong certified on Lamp Certificate
5 of Compliance Number LC-174415 that she had performed the applicable inspection,
6 adjustment, or repair of the headlights and back-up lights on the Bureau's 1987 Oldsmobile Delta
7 88 as specified by the Bureau and the vehicle manufacturer when, in fact, the vehicle's back-up
8 lights were defective.

9 **ELEVENTH CAUSE FOR DISCIPLINE**

10 **(Fraud)**

11 33. Respondent Ryu's ARD registration is subject to disciplinary action
12 pursuant to section 9884.7(a)(4), in that on or about November 16, 2005, she committed acts
13 constituting fraud. Respondent Ryu charged and accepted payment from the operator for
14 performing the applicable inspections, adjustments, or repairs of the brake and lighting systems
15 on the Bureau's 1987 Oldsmobile Delta 88 as specified by the Bureau and in accordance with the
16 Vehicle Code. In fact, Respondent failed to conduct the inspections and perform the necessary
17 adjustments and repairs in compliance with Bureau Regulations or the Vehicle Code.

18 **TWELFTH CAUSE FOR DISCIPLINE**

19 **(Failure to Comply with the Code)**

20 34. Respondent Ryu's registration is subject to disciplinary action pursuant to
21 section 9884.7(a)(6), in that on or about November 16, 2005, she failed to comply with section
22 9889.22 as follows:

23 a. Respondent Ryu willfully made false statements or entries on
24 Brake Certificate of Compliance Number BC-176053 as set forth
25 in paragraph 32-a and 32-b.

26 b. Respondent Ryu willfully made false statements or entries on
27 Lamp Certificate of Compliance Number LC-174415 as set forth in
28 paragraph 32-c.

1 **THIRTEENTH CAUSE FOR DISCIPLINE**

2 **(Violations of Regulations)**

3 35. Respondent Ryu's ARD registration is subject to disciplinary action
4 pursuant to section 9884.7(a)(6), in that on or about November 16, 2005, she failed to comply
5 with the following sections of California's Code of Regulations, title 16, as follows:

- 6 a. **Section 3305(a)**: Respondent Ryu failed to perform the inspection of the
7 brake system and inspection and adjustment of the lamp system on the
8 Bureau's 1987 Oldsmobile Delta 88 in accordance with the specifications,
9 instructions, and directives issued by the Bureau and the vehicle
10 manufacturer.
- 11 b. **Section 3373**: Respondent Ryu made false and misleading statements by
12 entering false information on the certificates of compliance as further
13 described in paragraph 32.

14 **FOURTEENTH CAUSE FOR DISCIPLINE**

15 **(Failure to Comply with the Code)**

16 36. Respondent Ryu's official brake and lamp licenses are subject to
17 disciplinary action pursuant to sections 9889.3(a) and 9889.3(h), in that on or about November
18 16, 2005, she violated sections 9884.7(a)(1), (a)(4), and (a)(6), and 9889.22 relating to her
19 licensed activities as set forth in paragraph 32-35.

20 **FIFTEENTH CAUSE FOR DISCIPLINE**

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

22 37. Respondent Ryu's official brake and lamp licenses are subject to
23 disciplinary action pursuant to section 9889.3(c), in that on or about November 16, 2005, she
24 failed to comply with California Code of Regulations, title 16, sections 3305(a) and 3373 as set
25 forth in paragraph 35 above.

26 **SIXTEENTH CAUSE FOR DISCIPLINE**

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

28 38. Respondent Ryu's official brake and lamp licenses are subject to

1 disciplinary action pursuant to section 9889.3(d), in that on or about November 16, 2005, she
2 committed acts involving dishonesty, fraud, or deceit whereby another was injured, as set forth in
3 paragraph 33 above.

4 SEVENTEENTH CAUSE FOR DISCIPLINE

5 (Failure to Comply with the Code)

6 39. Respondent Hong's brake and lamp adjuster licenses are subject to
7 disciplinary action pursuant to sections 9889.3(a) and 9889.3(h), in that on or about November
8 16, 2005, he violated the following provisions of the Business and Professions Code:

9 a. Section 9884.7(a)(1): Respondent Hong made untrue or misleading
10 statements as further described in paragraph 32.

11 b. Section 9889.22

- 12 1. Respondent Hong willfully made false statements or entries on
13 Brake Certificate of Compliance Number BC-176053 as set forth
14 in paragraph 32-a and 32-b.
- 15 2. Respondent Hong willfully made false statements or entries on
16 Lamp Certificate of Compliance Number LC-174415 as set forth in
17 paragraph 32-c.

18 EIGHTEENTH CAUSE FOR DISCIPLINE

19 (Violations of Regulations)

20 40. Respondent Hong's brake and lamp adjuster licenses are subject to
21 disciplinary action pursuant to section 9889.3(c), in that on or about November 16, 2005, he
22 failed to comply with California Code of Regulations, title 16 section 3373 by entering false
23 information on the certificates of compliance as set forth in paragraph 32.

24 UNDERCOVER OPERATION #3: 1998 CHEVROLET CAMARO

25 41. On December 1, 2005, an undercover operator with the Bureau took the
26 Bureau's 1998 Chevrolet Camaro to Respondent Ryu's facility. The front brake rotors on the
27 Bureau-documented vehicle were undersized and beyond the manufacturer's discard
28 specifications, its back-up lights and license plate lights were defective, and its left headlamp

1 aim misadjusted. Respondent Hong circled the vehicle and stated that everything looked good.
2 Respondent Hong invited the operator into his office where he provided the operator with a
3 repair estimate on which he asked the operator to write out his personal information. Respondent
4 Hong then provided the operator with Brake Certificate of Compliance Number BC-176080 and
5 Lamp Certificate of Compliance Number LC-174443 in exchange for \$50. At no time did the
6 operator observe anybody from the subject facility inspect or road test the vehicle.

7 **NINETEENTH CAUSE FOR DISCIPLINE**

8 **(Untrue or Misleading Statements)**

9 42. Respondent Ryu's ARD registration is subject to disciplinary action
10 pursuant to section 9884.7(a)(1), in that on or about December 1, 2005, Respondent Ryu made or
11 authorized statements which she knew, or in the exercise of reasonable care should have known
12 to be untrue or misleading, as follows:

13 a. Respondent Ryu through Respondent Hong certified on Brake Certificate
14 of Compliance Number BC-176080 that the front brake rotors on the Bureau's 1998 Chevrolet
15 Camaro were inspected when, in fact, Respondent Ryu failed to inspect any of the brakes.

16 b. Respondent Ryu through Respondent Hong certified on Brake Certificate
17 of Compliance Number BC-176080 that the Bureau's 1998 Chevrolet Camaro had a stopping
18 distance of 20 feet from a speed of 20 miles per hour as a result of a road-test when, in fact, the
19 vehicle was never road tested.

20 c. Respondent Ryu through Respondent Hong certified on Lamp Certificate
21 of Compliance Number LC-174443 that she had performed the applicable inspection,
22 adjustment, or repair of the back-up lights, license plate lights, and headlamps on the Bureau's
23 1998 Chevrolet Camaro as specified by the Bureau and the vehicle manufacturer when, in fact,
24 the lights in all three systems were either defective or misadjusted.

25 **TWENTIETH CAUSE FOR DISCIPLINE**

26 **(Fraud)**

27 43. Respondent Ryu's ARD registration is subject to disciplinary action
28 pursuant to section 9884.7(a)(4), in that on or about December 1, 2005, she committed acts

1 constituting fraud. Respondent Ryu charged and accepted payment from the operator for
2 performing the applicable inspections, adjustments, or repairs of the brake and lighting systems
3 on the Bureau's 1998 Chevrolet Camaro as specified by the Bureau and in accordance with the
4 Vehicle Code. In fact, Respondent Ryu failed to conduct the inspections and perform the
5 necessary adjustments and repairs in compliance with Bureau Regulations or the Vehicle Code.

6 **TWENTY-FIRST CAUSE FOR DISCIPLINE**

7 **(Failure to Comply with the Code)**

8 44. Respondent Ryu's ARD registration is subject to disciplinary action
9 pursuant to section 9884.7(a)(6), in that on or about December 1, 2005, she failed to comply with
10 the following Code provisions:

- 11 a. **Section 9884.7(a)(2)**: Respondent Ryu failed to record the vehicle's
12 odometer reading on the work order signed by the operator.
- 13 b. **Section 9884.9(a)**: Respondent Ryu failed to provide the operator with a
14 written estimated price for labor and parts necessary for a specific job.
- 15 c. **Section 9889.22**
- 16 1. Respondent Ryu willfully made false statements or entries on
17 Brake Certificate of Compliance Number BC-176080 as set forth
18 in paragraph 42-a and 42-b.
- 19 2. Respondent willfully made false statements or entries on Lamp
20 Certificate of Compliance Number LC-174443 as set forth in
21 paragraph 42-c.

22 **TWENTY-SECOND CAUSE FOR DISCIPLINE**

23 **(Violations of Regulations)**

24 45. Respondent Ryu's ARD registration is subject to disciplinary action
25 pursuant to section 9884.7(a)(6), in that on or about December 1, 2005, she failed to comply with
26 the following sections of California's Code of Regulations, title 16, as follows:

- 27 a. **Section 3305(a)**: Respondent Ryu failed to perform the inspection of the
28 brake system and inspection and adjustment of the lamp system on the

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Bureau's 1998 Chevrolet Camaro in accordance with the specifications, instructions, and directives issued by the Bureau and the vehicle manufacturer.

b. **Section 3373:** Respondent Ryu made false and misleading statements by entering false information on the certificates of compliance as further described in paragraph 42.

TWENTY-THIRD CAUSE FOR DISCIPLINE
(Failure to Comply with the Code)

46. Respondent Ryu's official brake and lamp licenses are subject to disciplinary action pursuant to sections 9889.3(a) and 9889.3(h), in that on or about December 1, 2005, she violated sections 9884.7(a)(1), (a)(2), (a)(4) and (a)(6), 9884.9(a), and 9889.22 relating to her licensed activities as set forth in paragraphs 42-45.

TWENTY-FOURTH CAUSE FOR DISCIPLINE
(Failure to Comply with Regulations)

47. Respondent Ryu's official brake and lamp licenses are subject to disciplinary action pursuant to section 9889.3(c), in that on or about December 1, 2005, she failed to comply with California Code of Regulations, title 16, sections 3305(a) and 3373 as set forth in paragraph 45 above.

TWENTY-FIFTH CAUSE FOR DISCIPLINE
(Dishonesty, Fraud or Deceit)

48. Respondent Ryu's official brake and lamp licenses are subject to disciplinary action pursuant to section 9889.3(d), in that on or about December 1, 2005, she committed acts involving dishonesty, fraud, or deceit whereby another was injured, as set forth in paragraph 43 above.

TWENTY-SIXTH CAUSE FOR DISCIPLINE
(Failure to Comply with the Code)

49. Respondent Hong's brake and lamp adjuster licenses are subject to disciplinary action pursuant to sections 9889.3(a) and 9889.3(h), in that on or about December 1,

1 2005, he violated the following provisions of the Business and Professions Code:

2 a. Section 9884.7(a)(1): Respondent Hong made untrue or misleading
3 statements as further described in paragraph 42.

4 b. Section 9889.22

5 1. Respondent Hong willfully made false statements or entries on
6 Brake Certificate of Compliance Number BC-176080 as set forth
7 in paragraph 42-a and 42-b.

8 2. Respondent Hong willfully made false statements or entries on
9 Lamp Certificate of Compliance Number LC-174443 as set forth in
10 paragraph 42-c.

11 **TWENTY-SEVENTH CAUSE FOR DISCIPLINE**

12 **(Violations of Regulations)**

13 50. Respondent Hong's brake and lamp adjuster licenses are subject to
14 disciplinary action pursuant to section 9889.3(c), in that on or about December 1, 2005, he failed
15 to comply with California Code of Regulations, title 16, section 2272 by entering false
16 information on the certificates of compliance.

17 **OTHER**

18 **Respondent Hi Tech Auto**

19 51. Pursuant to Bus. & Prof. Code section 9889.3(c), the
20 Director may refuse to validate or may invalidate the respondent's registrations
21 for all places of business operated in this state if the respondent, Hi Tech
22 Auto Group, upon a finding that said Respondent Hong committed willful and
23 willful violations of the laws and regulations.

24 52. Pursuant to Bus. & Prof. Code section 9889.9, if Official Brake Station
25 License Number BM 219347 and/or Official Lamp Station License Number LM 219347, issued
26 to Respondent Mi Young Ryu, owner of Hi Tech Auto Group, is revoked or suspended, any
27 additional license issued under this chapter in the name of said licensee may be likewise revoked
28 or suspended by the Director.

1 **Respondent Jung Soo Hong:**

2 53. Pursuant to Bus. & Prof. Code section 9889.9, if Brake Adjuster License
3 Number JC 144361C and/or Lamp Adjuster License Number RY 144361A, issued to
4 Respondent Jung Soo Hong, are revoked or suspended, any additional license issued under this
5 chapter in the name of said licensee may be likewise revoked or suspended by the Director.

6 **PRAYER**

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

- 9 1. Temporarily or permanently invalidating Automotive Repair Dealer
10 Registration Number AM 219347, issued to Mi Young Ryu, owner of Hi Tech Auto Group;
11 2. Temporarily or permanently invalidating any other automotive repair
12 dealer registration issued to Mi Young Ryu;
13 3. Revoking or suspending Official Brake Station License Number
14 BM 219347, issued to Mi Young Ryu, owner of Hi Tech Auto Group;
15 4. Revoking or suspending Official Lamp Station License Number
16 LM 219347, issued to Mi Young Ryu, owner of Hi Tech Auto Group;
17 5. Revoking or suspending any additional license issued under Articles 5 and
18 6 of the Business and Professions Code in the name of Mi Young Ryu;
19 6. Revoking or suspending Brake Adjuster License Number JC 144361C,
20 issued to Jung Soo Hong;
21 7. Revoking or suspending Lamp Adjuster License Number RY 144361A,
22 issued to Jung Soo Hong;
23 8. Revoking or suspending any additional license issued under Articles 5 and
24 6 of the Business and Professions Code in the name of Jung Soo Hong;

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9. Ordering Respondents Mi Young Ryu, owner of Hi Tech Auto Group, and Jung Soo Hong, to pay the Director of Consumer Affairs the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

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

DATED: 23 Oct 2006



DENNIS KENNEALLY
Assistant Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California

Complainant

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