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7

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

10 In the Matter of the Accusation Against:

11 **PACIFIC TRIUM INC.**
dba WAYSCAR REPAIR
12 **Selahattin Karadas, President/ Secretary/ Treasurer**
8870 Archibald Ave., Suite #C
13 Rancho Cucamonga, CA 91730

Case No. 77/15-68

14 Automotive Repair Dealer Registration No. ARD 269580
Brake Station License No. BS 269580 (Class C)
15 Lamp Station License No. LS 269580 (Class A)

A C C U S A T I O N

16 and

17 **TURHAN KARADAS**
8870 Archibald Ave., Suite #C
18 Rancho Cucamonga, CA 91730

19 Brake Adjuster License No. BA 634373 (Class C)
20 Lamp Adjuster License No. LA 634373 (Class A),

21 Respondents.

22
23 Complainant alleges:

24 PARTIES

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

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1 **Pacific Trium Inc dba Wayscar Repair- Registration and Station Licenses**

2 2. On or about June 29, 2012, the Bureau issued Automotive Repair Dealer Registration
3 No. ARD 269580 (“Registration”) to Respondent Pacific Trium Inc dba Wayscar Repair
4 (“Respondent Pacific Trium”), with Selahattin Karadas as President/ Secretary/ Treasurer. The
5 Automotive Repair Dealer Registration was in effect at all times relevant to the charges brought
6 herein and will expire on June 30, 2015, unless renewed.

7 3. On or about August 21, 2012, the Bureau issued Lamp Station License No. LS
8 269580, Class A, to Respondent Pacific Trium. The Lamp Station License was in effect at all
9 times relevant to the charges brought herein and will expire on June 30, 2015, unless renewed.

10 4. On or about August 21, 2012, the Bureau issued Brake Station License No. BS
11 269580, Class C, to Respondent Pacific Trium. The Brake Station License was in effect at all
12 times relevant to the charges brought herein and will expire on June 30, 2015, unless renewed.

13 **Turhan Karadas - Brake and Lamp Adjuster Licenses**

14 5. On or about June 19, 2012, the Bureau issued Brake Adjuster License No. BA
15 634373, Class C, to Respondent Turhan Karadas. The Brake Adjuster License was in effect at all
16 times relevant to the charges brought herein and will expire on August 31, 2015, unless renewed.

17 6. On or about June 29, 2012, the Bureau issued Lamp Adjuster License No. LA
18 634373, Class A, to Respondent Turhan Karadas. The Lamp Adjuster License was in effect at all
19 times relevant to the charges brought herein and will expire on August 31, 2015, unless renewed.

20 **STATUTORY PROVISIONS**

21 7. Code section 118, subdivision (b) of the Business and Professions Code (“Code”)
22 states:

23 “The suspension, expiration, or forfeiture by operation of law of a license issued by a board
24 in the department, or its suspension, forfeiture, or cancellation by order of the board or by
25 order of a court of law, or its surrender without the written consent of the board, shall not,
26 during any period in which it may be renewed, restored, reissued, or reinstated, deprive the
27 board of its authority to institute or continue a disciplinary proceeding against the licensee
28 upon any ground provided by law or to enter an order suspending or revoking the license or
otherwise taking disciplinary action against the licensee on any such ground.”

1 8. Section 9884.7 of the Code states, in pertinent part:

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

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

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

13 “(4) Any other conduct that constitutes fraud.

14 “(6) Failure in any material respect to comply with the provisions of this chapter or
15 regulations adopted pursuant to it.”

16 9. Section 9884.8 of the Code states:

17 “All work done by an automotive repair dealer, including all warranty work, shall be
18 recorded on an invoice and shall describe all service work done and parts supplied. Service
19 work and parts shall be listed separately on the invoice, which shall also state separately the
20 subtotal prices for service work and for parts, not including sales tax, and shall state
21 separately the sales tax, if any, applicable to each. If any used, rebuilt, or reconditioned
22 parts are supplied, the invoice shall clearly state that fact. If a part of a component system is
23 composed of new and used, rebuilt or reconditioned parts, that invoice shall clearly state
24 that fact. The invoice shall include a statement indicating whether any crash parts are
25 original equipment manufacturer crash parts or nonoriginal equipment manufacturer
26 aftermarket crash parts. One copy of the invoice shall be given to the customer and one
27 copy shall be retained by the automotive repair dealer.”

28 10. Section 9884.9 of the Code 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 if an authorization or consent for an increase in the original

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

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

5
6 (2) Upon completion of the repairs, obtain the customer's signature or initials to an
acknowledgment of notice and consent, if there is an oral consent of the customer to
7 additional repairs, in the following language:

8 "I acknowledge notice and oral approval of an increase in the original estimated price.
9 _____
(signature or initials)"

10 11. Section 9889.3 of the Code states, in pertinent part:

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

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

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

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

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

20 12. Section 9889.16 of the Code states, in pertinent part:

21 "Whenever a licensed adjuster in a licensed station upon an inspection or after an
22 adjustment. . . determines that the lamps or the brakes upon any vehicle conform with the
23 requirements of the Vehicle Code, he shall. . . issue a certificate of adjustment on a form
24 prescribed by the director, which certificate shall contain the date of issuance, the make and
registration number of the vehicle, the name of the owner of the vehicle, and the official
license of the station."

25 13. Section 9889.22 of the Code states, in pertinent part:

26 "The willful making of any false statement or entry with regard to a material matter in any
27 oath, affidavit, certificate of compliance or noncompliance, or application form which is
28

1 required by this chapter. . . constitutes perjury and is punishable as provided in the Penal
Code.”

2 14. Section 17200 of the Code states, in pertinent part:

3 “As used in this chapter, unfair competition shall mean and include any unlawful, unfair or
4 fraudulent business act or practice and unfair, deceptive, untrue or misleading advertising
5 and any act prohibited.”

6 **STATUTORY PROVISIONS**

7 15. California Code of Regulations, Title 16, section 3305 provides that all adjusting,
8 inspecting, servicing, and repairing of brake systems and lamp systems for the purpose of issuing
9 any certificate of adjustment shall be performed in accordance with current standards.

10 16. California Code of Regulations, Title 16, section 3316(d)(2) provides, in pertinent
11 part, that a lamp certificate of adjustment shall be issued only when all of the lamps, lighting
12 equipment, and related electrical systems on a vehicle have been inspected and found to be in
13 compliance with all requirements of the Vehicle Code and bureau regulations.

14 17. California Code of Regulations, Title 16, section 3321(c)(2) provides, in pertinent
15 part, that a brake certificate of adjustment shall be issued only when the entire brake system on a
16 vehicle has been inspected or tested and found to be in compliance with all requirements of the
17 Vehicle Code and bureau regulations.

18 18. California Code of Regulations, Title 16, section 3353 provides, in pertinent part:

19 “No work for compensation shall be commenced and no charges shall accrue without
20 specific authorization from the customer in accordance with the following requirements:

21 “(a) Estimate for Parts and Labor. Every dealer shall give to each customer a written
22 estimated price for parts and labor for a specific job.”

23 19. California Code of Regulations, Title 16, section 3356 provides in pertinent part:

24 “(a) All invoices for service and repair work performed, and parts supplied, as
25 provided for in Section 9884.8 of the Business and Professions Code, shall comply with the
following:

26 “(2) The invoice shall separately list, describe and identify all of the following:

27 “(A) All service and repair work performed, including all diagnostic and warranty
28 work, and the price for each described service and repair.”

1 “(B) Each part supplied, in such a manner that the customer can understand what was
2 purchased, and the price for each described part. The description of each part shall state
3 whether the part was new, used, reconditioned, rebuilt, or an OEM crash part, or a non-
OEM aftermarket crash part.”

4 20. California Code of Regulations, Title 16, section 3371 provides, in pertinent part:

5 “No dealer shall publish, utter, or make or cause to be published, uttered, or made any false
6 or misleading statement or advertisement which is known to be false or misleading, or
7 which by the exercise of reasonable care should be known to be false or misleading.”

8 21. California Code of Regulations, Title 16, section 3372.1 provides, in pertinent part:

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

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

14 “(b) The advertisement for service has the capacity to mislead the public as to the
15 extent that anticipated parts, labor or other services are included in the advertised price; or

16 “(c) The advertisement for service or repair has the capacity to mislead the public as to
17 the need for additional related parts, labor or other services.”

18 22. California Code of Regulations, Title 16, section 3373 provides, in pertinent part:

19 “No automotive repair dealer or individual in charge shall, in filling out an estimate,
20 invoice, or work order. . . withhold therefrom or insert therein any statement or information
21 which will cause any such document to be false or misleading, or where the tendency or
22 effect thereby would be to mislead or deceive customers, prospective customers, or the
23 public.”

24 COST RECOVERY

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

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1 27. During the operator's wait, he noticed a video monitor showing the truck in the
2 inspection bay. He looked at the monitor occasionally, noticing that an employee removed both
3 front wheels, but he did not see the rear wheels removed.

4 28. Approximately 30 minutes into the operator's wait, an employee approached him and
5 told him that two light bulbs required replacement: one for the license plate light, and the other
6 for a taillight. He told the operator that it would be \$15.00 additional. The operator asked if this
7 would make the vehicle obtain certification and the employee responded that it would. The
8 operator authorized him to replace the bulbs, but there was no mention of the brakes or the
9 headlamps.

10 29. Upon completion, the employees told the operator that the total would be \$105.00,
11 which he paid in cash. They then provided him a Certificate of Adjustment-Brake Adjustment
12 (No. BC [REDACTED]), a Certificate of Adjustment-Lamp Adjustment (No. LC [REDACTED]), and a copy
13 of an invoice. The brake and lamp certificates each had the adjuster's license numbers of
14 Respondent Turhan Karadas written on them. At no time was the truck ever road-tested by any
15 individual at Pacific Trium during either of the operator's visits to the facility.

16 30. Later on July 16, 2014, Bureau Representative Oberg began her re-inspection of the
17 2000 Toyota pick-up. The truck's headlamps still required adjustment in order to validly receive
18 a lamp certificate. She found the left headlamp's inward/outward adjuster tamper indicator was
19 intact, but the others had been broken, indicating the left headlamp had not been adjusted as
20 required. Additionally, Oberg discovered that the aim of both the left and right headlamps were
21 not within specifications. The vehicle was therefore not in a satisfactory condition to receive a
22 valid certification as stated on the "Certificate of Adjustment-Lamp Adjustment" (No. LC
23 [REDACTED]) issued by Respondents Pacific Trium and Turhan Karadas.

24 31. Oberg determined that removal of all wheels would have been necessary to inspect or
25 replace the front rotors, rear drums, and other brake components, and in order to validly issue a
26 brake certificate. She found that the left rear wheel lug nut tamper indicator was intact, indicating
27 that the left rear wheel had not been removed for a brake inspection. The rear brake drums also
28 required replacement in order for the truck to validly receive a brake certificate. Oberg inspected

1 both rear brake drums and found them to be the same oversize brake drums that she had marked
2 and photographed initially. The vehicle was therefore not in a satisfactory condition to receive a
3 valid certification as stated on the "Certificate of Adjustment-Brake Adjustment" No. BC
4 [REDACTED] issued by Respondents Pacific Trium and Turhan Karadas.

5
6 **FIRST CAUSE FOR DISCIPLINE**

7 **(False Advertising)**

8 32. Respondent Pacific Trium has subjected its registration to discipline under Code
9 section 9884.7(a)(1) in conjunction with California Code of Regulations, title 16, sections 3371,
10 3372.1, and 3373, in that on or about July 11, 2014, it refused to honor the price advertised on its
11 own website for "\$60.00 Brake and Light Inspections" when there were no documented
12 restrictions, conditions, limitations, or disclosure references, and telling the undercover operator
13 that his price would be \$90.00 since the advertisement only referred to "small cars" -- a false
14 statement.

15 **SECOND CAUSE FOR DISCIPLINE**

16 **(Unfair or Fraudulent Business Practices)**

17 33. Respondent Pacific Trium has subjected its registration to discipline under Code
18 section 9884.7(a)(6) in conjunction with section 17200, in that on or about July 16, 2014, it
19 charged and received \$105.00 for inspecting the vehicle's entire brake and lamp systems, but did
20 not properly inspect the vehicle in accordance with Bureau Regulations.

21 **THIRD CAUSE FOR DISCIPLINE**

22 **(False and Misleading Statements or Records)**

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24 34. Respondent Pacific Trium has subjected its registration to discipline under Code
25 section 9884.7(a)(1), in conjunction with California Code of Regulations, title 16, sections 3371
26 and 3373 in that on or about July 16, 2014, regarding the 2000 Toyota pick-up, it made
27 statements and/or generated written records which it knew or which by exercise of reasonable
28 care it should have known were false or misleading, specifically by issuing fraudulent certificates

1 of adjustment under penalty of perjury. These certificates stated that the brake and lamp systems
2 on the vehicle were in compliance with the Vehicle Code and Bureau Regulations when in fact
3 they were not.

4 **FOURTH CAUSE FOR DISCIPLINE**

5 **(Fraud)**

6 35. Respondent Pacific Trium has subjected its registration to discipline under Code
7 section 9884.7(a)(4), in that on or about July 16, 2014, regarding the 2000 Toyota pick-up, it
8 made statements and/or generated written records which it knew or which by exercise of
9 reasonable care it should have known were false or misleading, specifically by issuing fraudulent
10 certificates of adjustment under penalty of perjury. These certificates stated that the brake and
11 lamp systems on the vehicle were in compliance with the Vehicle Code and Bureau Regulations
12 when in fact they were not.

13 **FIFTH CAUSE FOR DISCIPLINE**

14 **(Failure to Comply with Written Estimate Requirements)**

15 36. Respondent Pacific Trium's registration is subject to discipline under Code section
16 9884.7(a)(3) and (a)(6) in conjunction with section 9884.9(a), in that on or about July 16, 2014, it
17 failed to provide a written estimate for a specific job to the customer and failed to obtain
18 authorization prior to commencing service work.

19 **SIXTH CAUSE FOR DISCIPLINE**

20 **(Violations of Regulations)**

21 37. Respondent Pacific Trium's registration is subject to discipline under Code section
22 9884.7(a)(6), in that on or about July 16, 2014, it failed to comply with provisions of California
23 Code of Regulations, title 16, in the following material respects:

24 a. Section 3305(a): Respondent failed to perform the inspection of the brake system and
25 inspection and adjustment of the lighting system on the Bureau's 2000 Toyota pick-up in
26 accordance with the specifications, instructions, and directives issued by the Bureau and the
27 vehicle manufacturer.

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1 of perjury. These certificates stated that the brake and lamp systems on the vehicle were in
2 compliance with the Vehicle Code and Bureau Regulations when in fact they were not.

3
4 **TENTH CAUSE FOR DISCIPLINE**

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

6 41. Respondent Pacific Trium's brake and lamp station licenses are subject to discipline
7 under Code section 9889.3(d), in that Respondent committed acts involving dishonesty, fraud, or
8 deceit whereby another was injured, in that on or about July 16, 2014, Respondent issued brake
9 and lamp certificates of adjustment without performing bona fide inspections of those systems,
10 thereby depriving the People of the State of California of the protections afforded by the Bureau's
11 regulations.

12 **ELEVENTH CAUSE FOR DISCIPLINE**

13 **(Violation of Regulations)**

14 42. Respondent Pacific Trium's brake and lamp station licenses are subject to discipline
15 under Code section 9889.3(h) in conjunction with section 9884.7(a)(6) in that on or about July 16,
16 2014, it failed to comply with provisions of California Code of Regulations, title 16, in the
17 following material respects:

18 a. Section 3305(a): Respondent failed to perform the inspection of the brake system and
19 inspection and adjustment of the lighting system on the Bureau's 2000 Toyota pick-up in
20 accordance with the specifications, instructions, and directives issued by the Bureau and the
21 vehicle manufacturer.

22 b. Section 3316(d)(2): Respondent issued Lamp Certificate No. LC [REDACTED] to the
23 Bureau's 2000 Toyota pick-up when the headlights were out of adjustment, and not in
24 compliance with Bureau regulations.

25 c. Section 3321, subdivision (c)(2): Respondent issued Brake Certificate No. BC
26 [REDACTED] to the Bureau's 2000 Toyota pick-up when the vehicle had not been road-tested and the
27 rear brake drums remained oversized beyond the manufacturer's discard thickness specifications.
28

1 **TWELFTH CAUSE FOR DISCIPLINE**

2 **(Failure to Comply with Written Estimate Requirements)**

3 43. Respondent Pacific Trium's brake and lamp station licenses are subject to discipline
4 under Code section 9889.3(h) in conjunction with sections 9884.7(a)(6) and 9884.9(a), in that on
5 or about July 16, 2014, it failed to provide a written estimate for a specific job to the customer
6 and failed to obtain authorization prior to commencing service work.

7 **THIRTEENTH CAUSE FOR DISCIPLINE**

8 **(Failure to Properly Inspect Brake & Lamp Systems)**

9 44. Respondent Turhan Karadas has subjected his brake and lamp adjuster licenses to
10 discipline under Code section 9889.16 in conjunction with California Code of Regulations, Title
11 16, sections 3316(d)(2) and 3321(c)(2) in that on or about July 16, 2014, he failed to properly
12 inspect the brake and lamp systems on the Bureau's Toyota pick-up in conformity with Bureau
13 regulations.

14 **FOURTEENTH CAUSE FOR DISCIPLINE**

15 **(Perjury)**

16 45. Respondent Turhan Karadas has subjected his brake and lamp adjuster licenses to
17 discipline under Code section 9889.22 in conjunction with California Code of Regulations, Title
18 16, sections 3316(d)(2) and 3321(c)(2) in that on or about July 16, 2014, he issued brake and
19 lamp certificates of adjustment for the Bureau's Toyota pick-up certifying under penalty of
20 perjury that he had inspected the brake and lamp systems and found them to be in compliance,
21 when in fact the vehicle was not properly inspected and was not in compliance.

22
23 **THIRD & FOURTH UNDERCOVER OPERATIONS – SEPTEMBER, 2014**

24 46. In August, 2014, Bureau Representative Joe Ruiz (Ruiz) documented a Bureau-
25 owned 2008 Toyota passenger car so the right front brake rotor and left rear brake drum were out
26 of specification and both required replacement. Ruiz affixed tamper indicators to all four wheels.
27 Ruiz deliberately misadjusted the left and right headlamps beyond specifications and affixed
28 tamper indicators to all headlamp adjustment screws. Ruiz installed a defective light bulb in the

1 left rear taillight assembly. This made the left rear tail lamp bulb to be non-functional and not
2 allow the tail lamp to illuminate as required. As documented, the Toyota could not pass valid
3 brake and lamp inspections.

4 47. On September 4, 2014, in preparation for another undercover operation, a Bureau
5 operator called Respondent Pacific Trium and asked the person who answered if they could
6 perform a brake and light inspection. The person told her that they could inspect the vehicle, but
7 were not able to issue a certificate until the following Monday. The undercover operation was
8 therefore aborted.

9 48. On September 22, 2014, another Bureau operator drove the 2008 Toyota to
10 Respondent Pacific Trium's facility where she was greeted by two unidentified males. She asked
11 them if they could perform a brake and light inspection. One of the representatives told her that
12 they could, and referred her to an individual by the name of "Martin", who was located in the
13 inspection bay. Martin informed the operator that the cost was \$120.00 for a brake and light
14 inspection. He directed her to drive the vehicle to the rear of their shop, which she did.

15 49. Martin presented a document for \$120.00 and asked for the operator's signature,
16 which she signed. He did not provide her a copy of this document, but directed her to wait in the
17 front office area. After approximately twenty (20) minutes, Martin approached and informed her
18 that there was a burnt left rear tail light bulb. He told her that it would be an additional \$10.00 to
19 replace the bulb. She authorized the replacement of the bulb for the additional \$10.00.

20 50. Approximately thirty (30) minutes later, Martin walked into the office and told the
21 operator that they were finished and that the car had passed. He provided her with a document
22 showing a \$130.00 charge, as well as the burnt light bulb that he described earlier. She signed
23 and dated this document at Martin's request. He then provided her a copy of the document and
24 restated that the amount owed as \$130.00, which she paid in cash.

25 51. Martin then provided the operator a Certificate of Adjustment-Brake Adjustment (No.
26 BC [REDACTED]), a Certificate of Adjustment-Lamp Adjustment (No. LC [REDACTED]), and a copy of an
27 invoice along with the keys to the Toyota. The brake and lamp certificates each had the adjuster's
28 license numbers of Respondent Turhan Karadas written on them.

1 **SEVENTEENTH CAUSE FOR DISCIPLINE**

2 **(Fraud)**

3 56. Respondent Pacific Trium has subjected its registration to discipline under Code
4 section 9884.7(a)(4), in that on or about September 22, 2014, regarding the Bureau's 2008
5 Toyota, it made statements and/or generated written records which it knew or which by exercise
6 of reasonable care it should have known were false or misleading, specifically by issuing a
7 fraudulent certificate of adjustment under penalty of perjury. This certificate stated that the brake
8 system on the vehicle was in compliance with the Vehicle Code and Bureau Regulations when in
9 fact it was not.

10 **EIGHTEENTH CAUSE FOR DISCIPLINE**

11 **(Failure to Comply with Written Estimate Requirements)**

12 57. Respondent Pacific Trium's registration is subject to discipline under Code section
13 9884.7(a)(3) and (a)(6) in conjunction with section 9884.9(a), in that on or about September 22,
14 2014, it failed to provide the customer with a written estimate upon her signature and prior to
15 commencing work.

16 **NINETEENTH CAUSE FOR DISCIPLINE**

17 **(Violation of Regulations)**

18 58. Respondent Pacific Trium's registration is subject to discipline under Code section
19 9884.7(a)(6), in that on or about September 22, 2014, it failed to comply with provisions of
20 California Code of Regulations, title 16, in the following material respects:

21 a. Section 3305(a): Respondent failed to perform the inspection of the brake system on
22 the Bureau's 2008 Toyota in accordance with the specifications, instructions, and directives
23 issued by the Bureau and the vehicle manufacturer.

24 b. Section 3321, subdivision (c)(2): Respondent issued Brake Certificate No. BC
25 [REDACTED] to the Bureau's 2008 Toyota when none of the wheels had been removed to inspect the
26 brake components. Additionally, the vehicle required replacement of the right front brake rotor
27 and left rear brake drum because the right front brake rotor was undersized beyond the
28

1 manufacturer's standards and the left rear brake drum was oversized beyond the manufacturer's
2 standards.

3 **TWENTIETH CAUSE FOR DISCIPLINE**

4 **(Unfair or Fraudulent Business Practices)**

5 59. Respondent Pacific Trium has subjected its brake station license to discipline under
6 Code section 9889.3(a) in conjunction with section 17200, in that on or about September 22,
7 2014, it charged and received \$130.00 for inspecting the vehicle's entire brake and lamp systems,
8 but did not properly inspect the brake system in accordance with Bureau Regulations.

9 **TWENTY-FIRST CAUSE FOR DISCIPLINE**

10 **(False and Misleading Statements of Records)**

11 60. Respondent Pacific Trium has subjected its brake station license to discipline under
12 Code section 9889.3(c) in conjunction with California Code of Regulations, Title 16, section
13 3371 in that on or about September 22, 2014, it made false and misleading statements and created
14 false or misleading records by issuing a fraudulent certificate of adjustment under penalty of
15 perjury. This certificates stated that the brake system on the vehicle was in compliance with the
16 Vehicle Code and Bureau Regulations when in fact it was not.

17 **TWENTY-SECOND CAUSE FOR DISCIPLINE**

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

19 61. Respondent Pacific Trium's brake station license is subject to discipline under Code
20 section 9889.3(d), in that Respondent committed acts involving dishonesty, fraud, or deceit
21 whereby another was injured, in that on or about September 22, 2014, Respondent issued a brake
22 certificate of adjustment without performing a bona fide inspection of that system, thereby
23 depriving the People of the State of California of the protections afforded by the Bureau's
24 regulations.

25 **TWENTY-THIRD CAUSE FOR DISCIPLINE**

26 **(Violation of Regulations)**

27 62. Respondent Pacific Trium's brake station license is subject to discipline under Code
28 section 9889.3(h) in conjunction with section 9884.7(a)(6) in that on or about September 22,

1 2014, it failed to comply with provisions of California Code of Regulations, title 16, in the
2 following material respects:

3 a. Section 3305(a): Respondent failed to perform any inspection of the brake system on
4 the Bureau's 2008 Toyota in accordance with the specifications, instructions, and directives
5 issued by the Bureau and the vehicle manufacturer.

6 b. Section 3321, subdivision (c)(2): Respondent issued Brake Certificate No. BC
7 [REDACTED] to the Bureau's 2008 Toyota when none of the wheels had been removed to inspect the
8 brake components. Additionally, the vehicle required replacement of the right front brake rotor
9 and left rear brake drum because the right front brake rotor was undersized beyond the
10 manufacturer's standards and the left rear brake drum was oversized beyond the manufacturer's
11 standards.

12 **TWENTY-FOURTH CAUSE FOR DISCIPLINE**

13 **(Failure to Comply with Written Estimate Requirements)**

14 63. Respondent Pacific Trium's brake station license is subject to discipline under Code
15 section 9889.3(h) in conjunction with sections 9884.7(a)(6) and 9884.9(a), in that on or about
16 September 22, 2014, it failed to provide a written estimate for a specific job to the customer and
17 failed to obtain authorization prior to commencing service work.

18 **TWENTY-FIFTH CAUSE FOR DISCIPLINE**

19 **(Failure to Properly Inspect Brake & Lamp Systems)**

20 64. Respondent Turhan Karadas has subjected his brake adjuster license to discipline
21 under Code section 9889.16 in conjunction with California Code of Regulations, Title 16, section
22 3321(c)(2) in that on or about September 22, 2014, he failed to remove the wheels and properly
23 inspect the brake system on the Bureau's 2008 Toyota in conformity with Bureau regulations.

24 **TWENTY-SIXTH CAUSE FOR DISCIPLINE**

25 **(Perjury)**

26 65. Respondent Turhan Karadas has subjected his brake adjuster license to discipline
27 under Code section 9889.22 in conjunction with California Code of Regulations, Title 16, section
28 3321(c)(2) in that on or about September 22, 2014, he issued a brake certificate of adjustment for

1 the Bureau's 2008 Toyota certifying under penalty of perjury that he had inspected the brake
2 systems and found it to be in compliance, when in fact the vehicle was not properly inspected and
3 was not in compliance.

4 **OTHER MATTERS**

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

9 67. Pursuant to Code section 9889.9, if Lamp Station License No. LS [REDACTED], Class A,
10 issued to Respondent Pacific Trium is revoked or suspended, any additional license issued under
11 Articles 5 and 6 of Chapter 20.3 of Code in the name of said licensee may be likewise revoked or
12 suspended by the Director.

13 68. Pursuant to Code section 9889.9, if Brake Station License No. BS [REDACTED], Class C,
14 issued to Respondent Pacific Trium, is revoked or suspended, any additional license issued under
15 Articles 5 and 6 of Chapter 20.3 of that Code in the name of said licensee may be likewise
16 revoked or suspended by the Director

17 69. Pursuant to Code section 9889.9, if Brake Adjuster License Number BA 634373,
18 Class C, issued to Respondent Turhan Karadas, is revoked or suspended, any additional license
19 issued under Articles 5 and 6 of Chapter 20.3 of that Code in the name of said licensee may be
20 likewise revoked or suspended by the Director.

21 70. Pursuant to Code section 9889.9, if Lamp Adjuster License Number LA 634373,
22 Class A, issued to Respondent Turhan Karadas, is revoked or suspended, any additional license
23 issued under Articles 5 and 6 of Chapter 20.3 of that Code in the name of said licensee may be
24 likewise revoked or suspended by the Director.

25 **PRAYER**

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

28 1. Revoking, suspending, or placing on probation Automotive Repair Dealer
Registration No. ARD 269580, issued to Pacific Trium dba Wayscar Repair;

2. Revoking, suspending, or placing on probation any other automotive repair dealer

1 registration issued to Pacific Trium dba Wayscar Repair;

2 3. Revoking or suspending Lamp Station License No. LS 269580, Class A, issued to
3 Pacific Trium dba Wayscar Repair;

4 4. Revoking or suspending Brake Station License No. BS 269580, Class C, issued to
5 Pacific Trium dba Wayscar Repair;

6 5. Revoking or suspending any additional license issued under Articles 5 and 6 of
7 Chapter 20.3 of the Business and Professions Code in the name of Pacific Trium dba Wayscar
8 Repair;

9
10 6. Revoking or suspending Lamp Adjuster License No. LA 634373, Class A, issued
11 to Turhan Karadas;

12 7. Revoking or suspending Brake Adjuster License No. BA 634373, Class C, issued
13 to Turhan Karadas;

14 8. Revoking or suspending any additional license issued under Articles 5 and 6 of
15 Chapter 20.3 of the Business and Professions Code in the name of Turhan Karadas;

16 9. Ordering Pacific Trium dba Wayscar Repair and Turhan Karadas to pay the
17 Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this
18 case, pursuant to Business and Professions Code section 125.3; and

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

20
21 Dated: July 1, 2015



22 PATRICK DORAIS
23 Chief
24 Bureau of Automotive Repair
25 Department of Consumer Affairs
26 State of California
27 *Complainant*

28 (rev. 6/30/15)