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

12 In the Matter of the Accusation Against:

Case No. **79/16-72**

13 **HI TECH AUTOMOTIVE**  
14 **INDERJIT SINGH, OWNER**  
128 N. Gateway Drive, #C  
Madera, CA 93637-3585

**ACCUSATION**

15 **Automotive Repair Dealer Reg. No. ARD 164429**  
16 **Smog Check Station License No. RC 164429,**

17 **INDERJIT SINGH**  
18 **128 N. Gateway Drive, #C**  
**Madera, CA 93637-3585**

19 **Smog Check Inspector License No. EO 132465**  
20 **Smog Check Repair Technician License No. EI**  
21 **132465 (formerly Advanced Emission Specialist**  
**Technician License No. EA 132465),**

22 **and**

23 **STEPHEN JUSTIN DAMM**  
128 N. Gateway Drive, #C  
Madera, CA 93637-3585

24 **Smog Check Inspector License No. EO 154697**  
25 **Smog Check Repair Technician License No. EI**  
26 **154697 (formerly Advanced Emission Specialist**  
**Technician License No. EA 154697)**

27 Respondents.

1 Complainant alleges:

2 **PARTIES**

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

5 **Hi Tech Automotive; Inderjit Singh, Owner**

6 2. In or about 1992, the Director of Consumer Affairs (“Director”) issued Automotive  
7 Repair Dealer Registration Number ARD 164429 (“registration”) to Inderjit Singh (“Respondent  
8 Singh”), owner of Hi Tech Automotive. The registration was in full force and effect at all times  
9 relevant to the charges brought herein and will expire on January 31, 2017, unless renewed.

10 3. On or about June 1, 1992, the Director issued Smog Check Station License Number  
11 RC 164429 to Respondent Singh. The smog check station license was in full force and effect at  
12 all times relevant to the charges brought herein and will expire on January 31, 2017, unless  
13 renewed.

14 **Inderjit Singh**

15 4. In or about 1999, the Director issued Advanced Emission Specialist Technician  
16 License Number EA 132465 to Respondent Singh. Respondent's advanced emission specialist  
17 technician license was due to expire on September 30, 2012. Pursuant to California Code of  
18 Regulations, title 16, section 3340.28, subdivision (e), the license was renewed, pursuant to  
19 Respondent's election, as Smog Check Inspector License Number EO 132465 and Smog Check  
20 Repair Technician License Number EI 132465 (“technician licenses”) effective August 15, 2012.<sup>1</sup>  
21 Respondent's technician licenses will expire on September 30, 2016, unless renewed.

22 **Stephen Justin Damm**

23 5. In or about 2007, the Director issued Advanced Emission Specialist Technician  
24 License Number EA 154697 to Stephen Justin Damm (“Respondent Damm”). Respondent's  
25 advanced emission specialist technician license was due to expire on November 30, 2013.

26 <sup>1</sup> Effective August 1, 2012, California Code of Regulations, title 16, sections 3340.28,  
27 3340.29, and 3340.30 were amended to implement a license restructure from the Advanced  
28 Emission Specialist Technician (EA) license and Basic Area (EB) Technician license to Smog  
Check Inspector (EO) license and/or Smog Check Repair Technician (EI) license.

1 Pursuant to California Code of Regulations, title 16, section 3340.28, subdivision (e), the license  
2 was renewed, pursuant to Respondent's election, as Smog Check Inspector License Number EO  
3 154697 and Smog Check Repair Technician License Number EI 154697 ("technician licenses")  
4 effective October 14, 2013. Respondent's technician licenses will expire on November 30, 2017,  
5 unless renewed.

6 **JURISDICTION**

7 6. Business and Professions Code ("Bus. & Prof. Code") section 9884.7 provides that  
8 the Director may revoke an automotive repair dealer registration.

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

13 8. Health and Safety Code ("Health & Saf. Code") section 44002 provides, in pertinent  
14 part, that the Director has all the powers and authority granted under the Automotive Repair Act  
15 for enforcing the Motor Vehicle Inspection Program.

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

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

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

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STATUTORY AND REGULATORY PROVISIONS

12. Bus. & Prof. Code 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.

....

(4) Any other conduct that constitutes fraud.

....

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

....

(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.

13. Bus. & Prof. Code section 9884.9, subdivision (a), states, in pertinent part:

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 authorization or consent for an increase in the original estimated price is provided by electronic mail or facsimile transmission. If that consent is oral, the dealer shall make a notation on the work order of the date, time, name of person 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 . . .

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1 14. Bus. & Prof. Code section 22, subdivision (a), states:

2 "Board" as used in any provision of this Code, refers to the board in  
3 which the administration of the provision is vested, and unless otherwise expressly  
4 provided, shall include "bureau," "commission," "committee," "department,"  
"division," "examining committee," "program," and "agency."

5 15. Bus. & Prof. Code section 477, subdivision (b), states, in pertinent part, that a  
6 "license" includes "registration" and "certificate."

7 16. Health & Saf. Code section 44072.2 states, in pertinent part:

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

10 . . . .

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

13 17. California Code of Regulations, title 16, section 3356 states, in pertinent part:

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

16 . . . .

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

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

20 **COST RECOVERY**

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

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1 vehicle to pass the smog inspection. In fact, the only repair necessary on the vehicle was the  
2 repair of the severed pre-converter oxygen sensor ground circuit wire. Further, the pre-converter  
3 oxygen sensor was new, was within manufacturer's specifications, and was not in need of  
4 replacement.

5 b. Respondent Singh falsely represented on the repair invoice that the oxygen sensor  
6 (pre-converter oxygen sensor) on the Bureau's 1996 Chevrolet was bad.

7 **SECOND CAUSE FOR DISCIPLINE**

8 **(Fraud)**

9 23. Respondent Singh's registration is subject to disciplinary action pursuant to Bus. &  
10 Prof. Code section 9884.7, subdivision (a)(4), in that Respondent committed an act that  
11 constitutes fraud, as follows: Respondent Singh's smog check technician, Respondent Damm,  
12 made a false or misleading representation to the operator regarding the Bureau's 1996 Chevrolet,  
13 as set forth in subparagraph 22 (a) above, in order to induce the operator to authorize and pay for  
14 an unnecessary repair on the vehicle, then sold the operator the unnecessary repair, the  
15 replacement of the pre-converter oxygen sensor.

16 **THIRD CAUSE FOR DISCIPLINE**

17 **(Violations of the Bus. & Prof. Code)**

18 24. Respondent Singh's registration is subject to disciplinary action pursuant to Bus. &  
19 Prof. Code section 9884.7, subdivision (a)(6), in that Respondent failed to comply with section  
20 9884.9, subdivision (a), of that Code in the following material respects:

21 a. Respondent failed to provide the operator with a written estimate for the initial smog  
22 inspection on the Bureau's 1996 Chevrolet.

23 b. Respondent repaired the severed pre-converter oxygen sensor ground circuit wire on  
24 the Bureau's 1996 Chevrolet without the operator's authorization.

25 **FOURTH CAUSE FOR DISCIPLINE**

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

27 25. Respondent Singh's smog check station license is subject to disciplinary action  
28 pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent committed

1 dishonest, fraudulent or deceitful acts whereby another is injured, as set forth in paragraphs 22  
2 and 23 above.

3 **FIFTH CAUSE FOR DISCIPLINE**

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

5 26. Respondent Damm's technician licenses are subject to disciplinary action pursuant to  
6 Health & Saf. Code section 44072.2, subdivision (d), in that Respondent committed dishonest,  
7 fraudulent or deceitful acts whereby another is injured, as set forth in paragraphs 22 and 23  
8 above.

9 **UNDERCOVER OPERATION #2: 1998 TOYOTA**

10 27. On or about February 25, 2015, an undercover operator of the Bureau ("operator")  
11 took the Bureau's 1998 Toyota to Singh's facility and requested a smog inspection. A defective  
12 air fuel ("A/F") sensor heater system relay was installed on the Bureau-documented vehicle,  
13 causing the MIL to illuminate. A young male employee had the operator sign a work order and  
14 gave him a copy. The operator gave the employee the keys to the vehicle and the DMV  
15 paperwork, then went to the waiting area. The operator observed Damm perform the smog  
16 inspection on the vehicle. Later, Singh met with the operator and informed him that the vehicle  
17 failed. Singh told the operator that he would check the vehicle and would let him know later how  
18 much it would cost for the repairs. The operator left the facility.

19 28. Later that same day, the operator called the facility and spoke with Singh. Singh told  
20 the operator that the vehicle needed a smog sensor. The operator asked Singh how much it would  
21 cost to fix the vehicle. Singh stated that the repairs would cost a total of \$400.

22 29. On or about February 26, 2015, the operator returned to the facility to retrieve the  
23 vehicle, paid Singh \$400 for the repairs, and received copies of two VIR's and an invoice. The  
24 invoice indicated that a new oxygen sensor had been installed on the vehicle.

25 30. On or about March 3, 2015, the Bureau inspected the vehicle and found that the  
26 defective A/F sensor heater system relay had been replaced, although that repair was not listed on  
27 the invoice. The Bureau also found that the facility had performed an unnecessary repair.

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1 **NINTH CAUSE FOR DISCIPLINE**

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

3 34. Respondent Singh's smog check station license and technician licenses are subject to  
4 disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that  
5 Respondent committed dishonest, fraudulent or deceitful acts whereby another is injured, as set  
6 forth in paragraphs 31 and 32 above.

7 **UNDERCOVER OPERATION #3: 2001 FORD**

8 35. On or about May 19, 2015, an undercover operator of the Bureau ("operator") took  
9 the Bureau's 2001 Ford to Singh's facility. An open wire was created in the output speed sensor  
10 (OSS) electrical circuit in the Bureau-documented vehicle, causing the MIL to illuminate. The  
11 operator entered the office area and told Singh that she needed a smog inspection on the vehicle.  
12 Singh asked the operator for the keys, and she handed him the keys and the DMV paperwork.  
13 The operator signed and received a copy of a written estimate for the inspection. Later, Singh  
14 told the operator that the vehicle failed the inspection and that he would have to perform a  
15 diagnostic at a cost of \$65. The operator authorized the work and left the facility.

16 36. At approximately 1543 hours that same day, the operator received a call from Singh.  
17 Singh told the operator that he finished the diagnostics and indicated that the problem was with a  
18 sensor. Singh stated that it would cost a total of \$341 for the smog check, diagnostic, sensor, and  
19 labor, and that the vehicle should pass the smog inspection with this repair. The operator told  
20 Singh that she would call him right back. The operator contacted Singh and authorized the  
21 repairs.

22 37. On or about May 21, 2015, the operator returned to the facility to retrieve the vehicle  
23 and met with Singh. Singh told the operator that the vehicle passed the after-repairs inspection  
24 and that the transmission was good now. The operator paid Singh \$350 and received copies of  
25 two VIR's and an invoice. The invoice indicated that a new OSS had been installed in the vehicle  
26 as well as new transmission fluid.

27 38. On or about June 10, 2015, the Bureau inspected the vehicle and found that the  
28 facility had performed an unnecessary repair.



1 Respondent committed dishonest, fraudulent or deceitful acts whereby another is injured, as set  
2 forth in paragraphs 39 and 40 above.

3 **MATTERS IN AGGRAVATION**

4 43. To determine the degree of discipline, if any, to be imposed on Respondents Singh  
5 and Damm, Complainant alleges as follows:

6 **Respondent Singh**

7 a. On or about January 2, 2009, the Bureau issued Citation No. C09-0794 against  
8 Respondent Singh in his capacity as the owner of Hi Tech Automotive for violating Health & Saf.  
9 Code section 44012, subdivision (f) (failure to determine that emission control devices and  
10 systems required by State and Federal law are installed and functioning correctly in accordance  
11 with test procedures); and California Code of Regulations, title 16, section (“Regulation”)  
12 3340.35, subdivision (c) (issuing a certificate of compliance to a vehicle that was improperly  
13 tested). On or about December 10, 2008, Respondent issued a certificate of compliance to a  
14 Bureau undercover vehicle with the ignition timing adjusted out of specifications. The Bureau  
15 assessed civil penalties totaling \$500 against Respondent for the violations. Respondent paid the  
16 fine on January 29, 2009.

17 b. On or about April 26, 2012, the Bureau issued Citation No. C2012-1439 against  
18 Respondent Singh in his capacity as the owner of Hi Tech Automotive for violating Health & Saf.  
19 Code section 44012, subdivision (f) (failure to perform a visual/functional check of emission  
20 control devices according to procedures prescribed by the department). On or about March 28,  
21 2012, Respondent issued a certificate of compliance to a Bureau undercover vehicle with a  
22 missing PCV system. The Bureau assessed a civil penalty of \$1,000 against Respondent for the  
23 violation. Respondent paid the fine on June 23, 2012.

24 c. On or about April 26, 2012, the Bureau issued Citation No. M2012-1440 against  
25 Respondent Singh’s advanced emission specialist technician license for violating Health & Saf.  
26 Code section 44032 (qualified technicians shall perform tests of emission control systems and  
27 devices in accordance with Health & Saf. Code section 44012). On or about March 28, 2012,  
28 Respondent issued a certificate of compliance to a Bureau undercover vehicle with a missing

1 PCV system. Respondent was directed to complete an 8 hour training course and to submit proof  
2 of completion to the Bureau within 30 days from receipt of the citation. Respondent completed  
3 the training on June 30, 2012.

4 **Respondent Damm**

5 d. On or about January 2, 2009, the Bureau issued Citation No. M09-0795 against  
6 Respondent Damm's technician license for violating Health & Saf. Code section 44032 (qualified  
7 technicians shall perform tests of emission control systems and devices in accordance with Health  
8 & Saf. Code section 44012); and Regulation 3340.30, subdivision (a) (qualified technicians shall  
9 inspect, test and repair vehicles in accordance with Health & Saf. Code sections 44012 and 44035  
10 and Regulation 3340.42). On or about December 10, 2008, Respondent issued a certificate of  
11 compliance to a Bureau undercover vehicle with the ignition timing adjusted out of specifications.  
12 Respondent was directed to complete an 8 hour training course and to submit proof of completion  
13 to the Bureau within 30 days from receipt of the citation. Respondent completed the training on  
14 January 31, 2009.

15 **OTHER MATTERS**

16 44. Pursuant to Bus. & Prof. Code section 9884.7, subdivision (c), the Director may  
17 suspend, revoke, or place on probation the registration for all places of business operated in this  
18 state by Respondent Inderjit Singh, owner of Hi Tech Automotive, upon a finding that  
19 Respondent has, or is, engaged in a course of repeated and willful violations of the laws and  
20 regulations pertaining to an automotive repair dealer.

21 45. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Station License  
22 Number RC 164429, issued to Respondent Inderjit Singh, owner of Hi Tech Automotive, is  
23 revoked or suspended, any additional license issued under this chapter in the name of said  
24 licensee may be likewise revoked or suspended by the Director.

25 46. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Inspector License  
26 Number EO 132465 and Smog Check Repair Technician License Number EI 132465, issued to  
27 Respondent Inderjit Singh, are revoked or suspended, any additional license issued under this  
28 chapter in the name of said licensee may be likewise revoked or suspended by the Director.



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

DATED: March 1, 2016



PATRICK DORAIS  
Chief  
Bureau of Automotive Repair  
Department of Consumer Affairs  
State of California  
*Complainant*

SA2015105371