

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

In the Matter of the Accusation Against:

**SHERVIN ENTERPRISES INC. DBA AUTO  
CARE EXPERTS; FARZIN LAJEVARDI,  
PRESIDENT**

**dba Auto Care Experts**

23662 Via Fabricante #A

Mission Viejo, CA 92691-3934

Automotive Repair Dealer Registration

No. ARD 187074

Smog Check Station License

No. RC 187074

Lamp Station License

No. LS 187074

Brake Station License

No. BS 187074, Class C

Case No. 77/11-24

OAH No. 2012031042

Respondents.

**DECISION**

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

This Decision shall become effective 12/12/12.

DATED: 001 3 1 2012

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

1 KAMALA D. HARRIS  
Attorney General of California  
2 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
3 MARICHELE S. TAHIMIC  
Deputy Attorney General  
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*Attorneys for Complainant*

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

13 In the Matter of the Accusation Against:

Case No. 77/11-24

14 **SHERVIN ENTERPRISES INC. DBA AUTO**  
15 **CARE EXPERTS; FARZIN LAJEVARDI,**  
16 **PRESIDENT**  
17 **dba Auto Care Experts**  
18 23662 Via Fabricante #A  
19 Mission Viejo, CA 92691-3934

OAH No. 2012031042

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER**

20 **Automotive Repair Dealer Registration No.**  
21 **ARD 187074**  
22 **Smog Check Station License No. RC 187074**  
23 **Lamp Station License No. LS 187074**  
24 **Brake Station License No. BS 187074, Class C**

25 Respondents.

26 In the interest of a prompt and speedy settlement of this matter, consistent with the public  
27 interest and the responsibilities of the Director of the Department of Consumer Affairs and the  
28 Bureau of Automotive Repair the parties hereby agree to the following Stipulated Settlement and  
Disciplinary Order which will be submitted to the Director for his approval and adoption as the  
final disposition of the Accusation to Shervin Enterprises, Inc. dba Auto Care Experts, Farzin  
Lajevardi, President.

1 PARTIES

2 1. Sherry Mehl, formerly the Chief of the Bureau of Automotive Repair, brought this  
3 Accusation solely in her official capacity. This Accusation is now maintained by John Wallauch  
4 (Complainant) solely in his official capacity as the Chief of the Bureau of Automotive Repair and  
5 is represented in this matter by Kamala D. Harris, Attorney General of the State of California, by  
6 Marichelle S. Tahimic, Deputy Attorney General.

7 2. Respondent Shervin Enterprises Inc. dba Auto Care Experts, Farzin Lajevardi,  
8 President (Respondent) is represented in this proceeding by attorney Michael Levin, whose  
9 address is: 3727 Camino del Rio South, Suite 200, San Diego, CA 92108-4035, telephone (619)  
10 285-8050.

11 3. In or about 1996, the Bureau of Automotive Repair ("Bureau") issued Automotive  
12 Repair Dealer Registration Number ARD 187074 to Shervin Enterprises, Inc. doing business as  
13 Auto Care Experts, with Farzin Lajevardi as President ("Respondent"). The Automotive Repair  
14 Dealer Registration was in full force and effect at all times relevant to the charges brought in  
15 Accusation No. 77/11-24 and will expire on January 31, 2013, unless renewed.

16 4. On or about January 6, 1999, the Bureau issued Smog Check Station License No. RC  
17 187074 to Shervin Enterprises Inc. dba Auto Care Experts, Farzin Lajevardi, President  
18 (Respondent). The Smog Check Station License was in full force and effect at all times relevant  
19 to the charges brought in Accusation No. 77/11-24 and will expire on January 31, 2013, unless  
20 renewed.

21 5. On or about September 20, 2006, the Bureau of Automotive Repair issued Lamp  
22 Station License No. LS 187074 to Shervin Enterprises Inc. dba Auto Care Experts, Farzin  
23 Lajevardi, President (Respondent). The Lamp Station License was in full force and effect at all  
24 times relevant to the charges brought in Accusation No. 77/11-24 and will expire on January 31,  
25 2013, unless renewed.

26 6. On or about September 20, 2006, the Bureau of Automotive Repair issued Brake  
27 Station License No. BS 187074, Class C to Shervin Enterprises Inc. dba Auto Care Experts,  
28 Farzin Lajevardi, President (Respondent). The Brake Station License was in full force and effect

1 at all times relevant to the charges brought in Accusation No. 77/11-24 and will expire on January  
2 31, 2013, unless renewed.

3 JURISDICTION

4 7. Accusation No. 77/11-24 was filed before the Director of the Department of  
5 Consumer Affairs (Director), for the Bureau of Automotive Repair (Bureau), and is currently  
6 pending against Respondent. The Accusation and all other statutorily required documents were  
7 properly served on Respondent on November 2, 2011. Respondent timely filed his Notice of  
8 Defense contesting the Accusation.

9 8. A copy of Accusation No. 77/11-24 is attached as exhibit A and incorporated herein  
10 by reference.

11 ADVISEMENT AND WAIVERS

12 9. Respondent has carefully read, fully discussed with counsel, and understands the  
13 charges and allegations in Accusation No. 77/11-24. Respondent has also carefully read, fully  
14 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary  
15 Order.

16 10. Respondent is fully aware of his legal rights in this matter, including the right to a  
17 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine  
18 the witnesses against him; the right to present evidence and to testify on his own behalf; the right  
19 to the issuance of subpoenas to compel the attendance of witnesses and the production of  
20 documents; the right to reconsideration and court review of an adverse decision; and all other  
21 rights accorded by the California Administrative Procedure Act and other applicable laws.

22 11. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
23 every right set forth above.

24 CULPABILITY

25 12. Respondent admits the truth of each and every charge and allegation in Accusation  
26 No. 77/11-24.



1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED:

3 **Automotive Repair Dealer Registration No. ARD 187074** issued to Respondent Shervin  
4 Enterprises Inc. dba Auto Care Experts, Farzin Lajevardi, President is revoked. However, the  
5 revocation is stayed and Respondent is placed on probation for three (3) years on the following  
6 terms and conditions.

7 **Smog Check Station License No. RC 187074** issued to Shervin Enterprises Inc. dba Auto  
8 Care Experts, Farzin Lajevardi, President, is revoked. However, the revocation is stayed and  
9 Respondent is placed on probation for three (3) years on the following terms and conditions.

10 **Lamp Station License No. LS 187074** issued to Shervin Enterprises Inc. dba Auto Care  
11 Experts, Farzin Lajevardi, President, is revoked. However, the revocation is stayed and  
12 Respondent is placed on probation for three (3) years on the following terms and conditions.

13 **Brake Station License No. BS 187074, Class C** issued to Shervin Enterprises Inc. dba  
14 Auto Care Experts, Farzin Lajevardi, President is revoked. However, the revocation is stayed and  
15 Respondent is placed on probation for three (3) years on the following terms and conditions.

16 1. **Actual Suspension.** Automotive Repair Dealer Registration No. ARD 187074,  
17 issued to Respondent Shervin Enterprises Inc. dba Auto Care Experts, Farzin Lajevardi,  
18 President, is suspended for 15 consecutive days beginning on the effective date of the Decision.

19 Smog Check Station License No. RC 187074 issued to Respondent Shervin Enterprises Inc.  
20 dba Auto Care Experts, Farzin Lajevardi, President, is suspended for 15 consecutive days  
21 beginning on the effective date of the Decision.

22 Lamp Station License No. LS 187074 issued to Respondent Shervin Enterprises Inc. dba  
23 Auto Care Experts, Farzin Lajevardi, President, is suspended for 15 consecutive days beginning  
24 on the effective date of the Decision.

25 Brake Station License No. BS 187074, Class C issued to Respondent Shervin Enterprises  
26 Inc. dba Auto Care Experts, Farzin Lajevardi, President, is suspended for 15 consecutive days  
27 beginning on the effective date of the Decision.

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

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

7           4.    **Reporting.** Respondent or Respondent's authorized representative must report in  
8 person or in writing as prescribed by the Bureau of Automotive Repair, on a schedule set by the  
9 Bureau, but no more frequently than each quarter, on the methods used and success achieved in  
10 maintaining compliance with the terms and conditions of probation.

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

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

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

21          8.    **Violation of Probation.** Should the Director of the Department of Consumer Affairs  
22 determine that Respondent has failed to comply with the terms and conditions of probation, the  
23 Department may, after giving notice and an opportunity to be heard, revoke the registration  
24 and/or license(s).

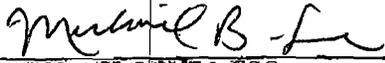
25          9.    **False and Misleading Advertising.** If the Accusation involves false and misleading  
26 advertising, during the period of probation, Respondent shall submit any proposed advertising  
27 copy, whether revised or new, to the Bureau at least thirty (30) days prior to its use.

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I have read and fully discussed with Respondent, Farzin Lajevardi, President of Shervin Enterprises Inc. dba Auto Care Experts the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 10/11/12   
MICHAEL LEVIN, ESQ.  
Attorney for Respondent

ENDORSEMENT

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

Dated:

Respectfully submitted,  
KAMALA D. HARRIS  
Attorney General of California  
JAMES M. LEDAKIS  
Supervising Deputy Attorney General

MARICHELLE S. TAHIMIC  
Deputy Attorney General  
*Attorneys for Complainant*

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1 I have read and fully discussed with Respondent, Farzin Lajevardi, President of Shervin  
2 Enterprises Inc. dba Auto Care Experts the terms and conditions and other matters contained in  
3 the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

4 DATED: \_\_\_\_\_

MICHAEL LEVIN, ESQ.  
Attorney for Respondent

7 ENDORSEMENT

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

10  
11 Dated: *Oct. 15, 2012*

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
JAMES M. LEDAKIS  
Supervising Deputy Attorney General

*Marichelle Tahmic*  
MARICHELLE S. TAHMIC  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 77/11-24**

1 KAMALA D. HARRIS  
Attorney General of California  
2 ALFREDO TERRAZAS  
Senior Assistant Attorney General  
3 JAMES M. LEDAKIS  
Supervising Deputy Attorney General  
4 State Bar No. 132645  
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6 San Diego, CA 92186-5266  
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*Attorneys for Complainant*  
8

9 **BEFORE THE**  
**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. 77/11-24

13 **SHERVIN ENTERPRISES, INC.,**  
14 **dba AUTO CARE EXPERTS**  
15 **FARZIN LAJEVARDI, PRESIDENT**  
23662 Via Fabricante, #A  
16 Mission Viejo, CA 92691-3934  
Automotive Repair Dealer Reg. No. ARD 187074  
17 Smog Check Station License No. RC 187074  
Lamp Station License No. LS 187074  
18 Brake Station License No. BS 187074

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

19 Respondent.

20 Complainant alleges:

21 **PARTIES/LICENSE INFORMATION**

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

24 2. In or about 1996, the Director of Consumer Affairs ("Affairs") issued Automotive  
25 Repair Dealer Registration Number ARD 187074 ("registration") to Shervin Enterprises, Inc.  
26 ("Respondent"), doing business as Auto Care Experts, with Farzin Lajevardi as president.

27 Respondent's registration was in full force and effect at all times relevant to the charges brought  
28 herein and will expire on January 31, 2012, unless renewed.



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

5 **STATUTORY AND REGULATORY PROVISIONS**

6 12. Bus. & Prof. Code section 9884.7 states, in pertinent part:

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

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

16 . . . .

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

19 (4) Any other conduct that constitutes fraud.

20 . . . .

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

23 (7) Any willful departure from or disregard of accepted trade standards  
24 for good and workmanlike repair in any material respect, which is prejudicial to  
25 another without consent of the owner or his or her duly authorized representative . . .

26 13. Bus. & Prof. Code section 9884.7, subdivision (c), states, in pertinent part, that the  
27 Director may suspend, revoke, or place on probation the registration for all places of business  
28 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 the laws and regulations  
pertaining to an automotive repair dealer.

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

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

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

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

22 . . . .

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

25 16. Bus. & Prof. Code section 9889.9 states that "[w]hen any license has been revoked or  
26 suspended following a hearing under the provisions of this article [Article 7 (commencing with  
27 section 9889.1) of the Automotive Repair Act], any additional license issued under Articles 5 and  
28 6 of this chapter in the name of the licensee may be likewise revoked or suspended by the  
director."

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

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

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

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

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

....

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

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

21. California Code of Regulations, title 16, section ("Regulation") 3356 states, in pertinent part:

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

....

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

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

22. Regulation 3366 states, in pertinent part:

(a) Except as provided in subsection (b) of this section, any automotive repair dealer that advertises or performs, directly or through a sublet contractor, automotive air conditioning work and uses the words service, inspection, diagnosis, top off, performance check or any expression or term of like meaning in any form of advertising or on a written estimate or invoice shall include and perform all of the following procedures as part of that air conditioning work:

....

(15) High and low side system operating pressures, as applicable, have been measured and recorded on the final invoice; and,

(16) The center air distribution outlet temperature has been measured and recorded on the final invoice.

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1 (b) Whenever the automotive air conditioning work being advertised or  
2 performed does not involve opening the refrigerant portion of the air conditioning  
3 system, refrigerant evacuation, or full or partial refrigerant recharge, the procedures  
4 specified in subsection (a) need be performed only to the extent required by accepted  
5 trade standards.

6 23. Regulation 3373 states:

7 No automotive repair dealer or individual in charge shall, in filling out an  
8 estimate, invoice, or work order, or record required to be maintained by section  
9 3340.15(f) of this chapter, withhold therefrom or insert therein any statement or  
10 information which will cause any such document to be false or misleading, or where  
11 the tendency or effect thereby would be to mislead or deceive customers, prospective  
12 customers, or the public.

### 13 COST RECOVERY

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

### 18 CONSUMER COMPLAINT #1 (SALEHDOOST): 2000 VOLKSWAGEN JETTA

19 25. On or about April 2, 2009, Maryam Salehdoost ("Salehdoost") was involved in a rear  
20 end collision while driving her 2000 Volkswagen Jetta.

21 26. On or about April 7, 2009, Salehdoost took the vehicle to Respondent's facility for  
22 repair and met with Farzin Lajevardi ("Lajevardi"), who identified himself as the owner.  
23 Lajevardi told Salehdoost that he needed to inspect the vehicle at least one day before it was  
24 inspected by the insurance adjuster. Respondent's manager, Mark Pomerhn ("Pomerhn"), had  
25 Salehdoost sign a repair order, but did not provide her with a copy.

26 27. On or about April 8, 2009, Lajevardi called Salehdoost and told her that he inspected  
27 the vehicle and had marked "everything" needing collision repairs.

28 28. On or about April 10, 2009, the facility faxed Salehdoost a copy of a written estimate.

29. On or about April 21, 2009, Salehdoost went to the facility to retrieve the vehicle,  
30 endorsed two checks totaling \$2,256.70 which had been issued by Farmer's Insurance Company  
31 ("Farmer's"), and paid Lajevardi a \$500 insurance deductible. When Lajevardi showed  
32 Salehdoost the vehicle, she noticed that the rear bumper still had a crack on the left side, the trunk

1 lid still would not open properly, and there was a gap between the trunk lid and the rear body.  
2 Salehdoost told Lajevardi that she was not satisfied with the repairs. Lajevardi told Salehdoost to  
3 leave the vehicle at the facility and he would contact Farmer's for another inspection. Later,  
4 Salehdoost called Lajevardi and told him that she wanted to pick up the vehicle. Lajevardi told  
5 Salehdoost that they had already started the corrective repairs and that the vehicle would be ready  
6 the following day.

7 30. On or about April 22, 2009, Salehdoost returned to the facility. Salehdoost looked at  
8 the vehicle and found that the gap between the trunk lid and the body had been repaired and the  
9 trunk lid opened more easily; however, the trunk latch had been ground, and there were metal  
10 particles all over the inside of the trunk. Later, Salehdoost took the vehicle to a Volkswagen  
11 dealer in Irvine and had them inspect the repairs. The service manager called Respondent's  
12 facility and told Pomerhn that the collision repairs were not done completely and that Salehdoost  
13 still was not satisfied with the repairs.

14 31. On or about April 23, 2009, Salehdoost took the vehicle to Respondent's facility.  
15 Farmer's insurance adjuster, Michael Hammer ("Hammer"), and Lajevardi re-inspected the  
16 collision repairs. Hammer questioned Lajevardi regarding the poor collision repairs on the trunk  
17 lid and rear bumper and the damage on the inside of the trunk.

18 32. On or about April 29, 2009, Salehdoost filed a complaint with the Bureau.

19 33. On or about May 18, 2009, and June 26, 2009, the Bureau inspected the vehicle using  
20 as a reference an itemized estimate, "Supplement of Record 1 with Summary", dated April 23,  
21 2009, in the net amount of \$2,256.70 that had been prepared by Mid-Century Insurance  
22 Company/Farmer's. The Bureau found that Respondent's facility had not repaired the vehicle as  
23 estimated, and that the repairs had not been performed to accepted trade standards. The total  
24 value of the repairs the facility failed to perform on the vehicle is approximately \$1,222.17.

25 34. On or about August 19, 2009, a representative of the Bureau went to the facility and  
26 obtained copies of Respondent's repair records on the vehicle, including an invoice dated April  
27 22, 2009. The representative met with Respondent's technician, Jose Moses Hernandez

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1 ("Hernandez"). Hernandez admitted that he did not set the vehicle up on a rack and measure the  
2 frame or perform the structural realignment.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Untrue or Misleading Statements)**

5 35. Respondent's registration is subject to disciplinary action pursuant to Bus. & Prof.  
6 Code section 9884.7, subdivision (a)(1), in that Respondent made or authorized a statement which  
7 it knew or in the exercise of reasonable care should have known to be untrue or misleading, as  
8 follows: Respondent represented on the invoice that the rear body damage on Salehdoost's 2000  
9 Volkswagen Jetta had been repaired. In fact, the rear body damage had not been repaired or  
10 properly repaired on the vehicle, as set forth in paragraphs 37 and 38 below.

11 **SECOND CAUSE FOR DISCIPLINE**

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

13 36. Respondent's registration is subject to disciplinary action pursuant to Bus. & Prof.  
14 Code section 9884.7, subdivision (a)(3), in that Respondent's manager, Pomerhn, failed to  
15 provide Salehdoost with a copy of the repair order as soon as she signed the document.

16 **THIRD CAUSE FOR DISCIPLINE**

17 **(Fraud)**

18 37. Respondent's registration is subject to disciplinary action pursuant to Bus. & Prof.  
19 Code section 9884.7, subdivision (a)(4), in that Respondent committed acts constituting fraud, as  
20 follows:

21 a. Respondent obtained payment from Farmer's and Salehdoost for replacing the rear  
22 bumper assembly on Salehdoost's 2000 Volkswagen Jetta. In fact, that part had not been replaced  
23 on the vehicle, but was partially repaired instead. The rear bumper cover had been repaired and  
24 was held together with wire, and the mounting holes were enlarged to fit. The impact bar and  
25 bumper absorbers had not been repaired or replaced and still had collision damage.

26 b. Respondent obtained payment from Farmer's and Salehdoost for repairing the rear  
27 body panel on Salehdoost's 2000 Volkswagen Jetta. In fact, that part had not been repaired on the  
28 vehicle.

1 c. Respondent obtained payment from Farmer's and Salehdoost for repairing the left  
2 frame rail on Salehdoost's 2000 Volkswagen Jetta. In fact, that part had not been repaired on the  
3 vehicle.

4 d. Respondent obtained payment from Farmer's and Salehdoost for setting Salehdoost's  
5 2000 Volkswagen Jetta on a frame rack and measuring the frame. In fact, those labor operations  
6 or repairs were not performed on the vehicle.

7 e. Respondent obtained payment from Farmer's and Salehdoost for performing a  
8 structural realignment on Salehdoost's 2000 Volkswagen Jetta. In fact, that repair was not  
9 performed on the vehicle.

10 f. Respondent obtained payment from Farmer's and Salehdoost for repairing the clamp  
11 marks on Salehdoost's 2000 Volkswagen Jetta. In fact, that repair was not performed on the  
12 vehicle.

13 **FOURTH CAUSE FOR DISCIPLINE**

14 **(Departure from Trade Standards)**

15 38. Respondent's registration is subject to disciplinary action pursuant to Bus. & Prof.  
16 Code section 9884.7, subdivision (a)(7), in that Respondent willfully departed from or  
17 disregarded accepted trade standards for good and workmanlike repair without the consent of the  
18 owner or the owner's duly authorized representative in the following material respects:

19 a. Respondent failed to restore the 2000 Volkswagen Jetta's structure to its original  
20 configuration or repair the frame to manufacturer's specifications in that the right frame rail was  
21 12 millimeters long and 4 millimeters down; and the left frame rail was 8 millimeters long, and  
22 was swayed inward 5 millimeters and down 7 millimeters. Further, the left rear tail lamp  
23 mounting holes and the bumper cover mounting holes were enlarged to compensate for the  
24 unrepaired collision damage at the rear body panel.

25 b. Respondent ground the trunk lid latch receiver to compensate for the unrepaired  
26 collision damage to the rear body panel.

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1 core and expansion valve on her 2003 Honda Accord EX. In fact, those parts had not been  
2 replaced on the vehicle.

3 **EIGHTH CAUSE FOR DISCIPLINE**

4 **(Departure from Trade Standards)**

5 50. Respondent's registration is subject to disciplinary action pursuant to Bus. & Prof.  
6 Code section 9884.7, subdivision (a)(7), in that Respondent willfully departed from or  
7 disregarded accepted trade standards for good and workmanlike repair without the consent of the  
8 owner or the owner's duly authorized representative in the following material respects:

9 a. Respondent failed to record on Invoice No. 012487 the high and low side system  
10 operating pressures of the air conditioning system on Wood's 2003 Honda Accord EX, as  
11 required by Regulation 3366, subdivision (a)(15).

12 b. Respondent failed to record on Invoice No. 012487 the center air distribution outlet  
13 temperature of the air conditioning system on Wood's 2003 Honda Accord EX, as required by  
14 Regulation 3366, subdivision (a)(16).

15 **NINTH CAUSE FOR DISCIPLINE**

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

17 51. Respondent's registration is subject to disciplinary action pursuant to Bus. & Prof.  
18 Code section 9884.7, subdivision (a)(6), in that Respondent failed to comply with section 9884.9,  
19 subdivision (a), of that Code in a material respect, as follows: Respondent failed to obtain or  
20 document on Invoice No. 012487 Wood's authorization for the additional repairs on her 2003  
21 Honda Accord EX, including the replacement of the cabin air filter, Freon, oil dye, and expansion  
22 valve.

23 **TENTH CAUSE FOR DISCIPLINE**

24 **(Violations of Regulations)**

25 52. Respondent's registration is subject to disciplinary action pursuant to Bus. & Prof.  
26 Code section 9884.7, subdivision (a)(6), in that Respondent failed to comply with Regulation  
27 3356, subdivision (a)(2)(A), in a material respect, as follows: Respondent failed to separately list,

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1 describe, or identify on Invoice No. 012487 the diagnostic work that was performed on Wood's  
2 2003 Honda Accord EX in connection with the expansion valve.

3 **ELEVENTH CAUSE FOR DISCIPLINE**

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

5 53. Respondent's brake and lamp station licenses are subject to disciplinary action  
6 pursuant to Bus. & Prof. Code section 9889.3, subdivision (d), in that Respondent committed acts  
7 involving dishonesty, fraud, or deceit whereby another was injured, as set forth in paragraphs 37  
8 and 49 above.

9 **TWELFTH CAUSE FOR DISCIPLINE**

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

11 54. Respondent's smog check station license is subject to disciplinary action pursuant to  
12 Health & Saf. Code section 44072.2, subdivision (d), in that Respondent committed dishonest,  
13 fraudulent, or deceitful acts whereby another was injured, as set forth in paragraphs 37 and 49  
14 above.

15 **OTHER MATTERS**

16 55. 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 Shervin Enterprises, Inc., doing business as Auto Care Experts, upon a  
19 finding that Respondent has, or is, engaged in a course of repeated and willful violations of the  
20 laws and regulations pertaining to an automotive repair dealer.

21 56. Pursuant to Health & Saf. Code section 44072.8, if Smog Check Station License  
22 Number RC 187074, issued to Respondent Shervin Enterprises, Inc., doing business as Auto Care  
23 Experts, is revoked or suspended, any additional license issued under this chapter in the name of  
24 said licensee may be likewise revoked or suspended by the director.

25 57. Pursuant to Bus. & Prof. Code section 9889.9, if Lamp Station License Number  
26 LS 187074, issued to Respondent Shervin Enterprises, Inc., doing business as Auto Care Experts,

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1 is revoked or suspended, any additional license issued under Articles 5 and 6 of Chapter 20.3 of  
2 the Bus. & Prof. Code in the name of said licensee may be likewise revoked or suspended by the  
3 Director.

4 58. Pursuant to Bus. & Prof. Code section 9889.9, if Brake Station License Number  
5 BS 187074, issued to Respondent Shervin Enterprises, Inc., doing business as Auto Care Experts,  
6 is revoked or suspended, any additional license issued under Articles 5 and 6 of Chapter 20.3 of  
7 the Bus. & Prof. Code in the name of said licensee may be likewise revoked or suspended by the  
8 Director.

9 **PRAYER**

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

- 12 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD  
13 187074, issued to Shervin Enterprises, Inc., doing business as Auto Care Experts;
- 14 2. Revoking or suspending any other automotive repair dealer registration issued to  
15 Shervin Enterprises, Inc.;
- 16 3. Revoking or suspending Smog Check Station License Number RC 187074, issued to  
17 Shervin Enterprises, Inc., doing business as Auto Care Experts;
- 18 4. Revoking or suspending any additional license issued under Chapter 5 of the Health  
19 and Safety Code in the name of Shervin Enterprises, Inc.;
- 20 5. Revoking or suspending Lamp Station License Number LS 187074, issued to Shervin  
21 Enterprises, Inc., doing business as Auto Care Experts;
- 22 6. Revoking or suspending Brake Station License Number BS 187074, issued to Shervin  
23 Enterprises, Inc., doing business as Auto Care Experts;
- 24 7. Revoking or suspending any additional license issued under Articles 5 and 6 of  
25 Chapter 20.3 of the Business and Professions Code in the name of Shervin Enterprises, Inc.;
- 26 8. Ordering Shervin Enterprises, Inc., doing business as Auto Care Experts, to pay the  
27 Director of Consumer Affairs the reasonable costs of the investigation and enforcement of this  
28 case, pursuant to Business and Professions Code section 125.3;