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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. 77/24-9781

13 **JAIME ESPERICUETA-OWNER DBA**  
14 **EL PRIMO AUTO CENTER**  
15 **100 Baker Street**  
16 **Bakersfield, CA 93305**  
17 **Automotive Repair Dealer Registration No.**  
18 **ARD 195343**  
19 **Smog Check Station License No. RC 195343**  
20 **Vehicle Safety Systems Station License**  
21 **Number VS 195343**

**ACCUSATION**

22 **and**

23 **JAIME ESPERICUETA**  
24 **100 Baker Street**  
25 **Bakersfield, CA 93305**  
26 **Smog Check Inspector License No. EO**  
27 **114085**  
28 **Smog Check Repair Technician License**  
**Number EI 114085**  
**Vehicle Safety Technician License No. ST**  
**114085**

Respondents.

**PARTIES**

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

1 **Jaime Espericueta-Owner dba El Primo Auto Center**

2 **Automotive Repair Dealer Registration**

3 2. In 1997, the Bureau issued Automotive Repair Dealer Registration Number ARD  
4 195343 to Jaime Espericueta-Owner dba El Primo Auto Center ("Respondent El Primo Auto").  
5 The Automotive Repair Dealer Registration was in full force and effect at all times relevant to the  
6 charges brought herein and will expire on July 31, 2026, unless renewed.

7 **Smog Check Station License**

8 3. On or about November 30, 1999, the Bureau issued Smog Check Station License  
9 Number RC 195343 to Respondent El Primo Auto. The Smog Check Station License was in full  
10 force and effect at all times relevant to the charges brought herein and will expire on July 31,  
11 2026, unless renewed.

12 **STAR Station Certification**

13 4. On or about March 1, 2013, the Bureau certified El Primo Auto Center as a STAR  
14 Station. The certification will remain active unless ARD 195343 and/or RC 195343 is revoked,  
15 canceled, becomes delinquent, or the certification is invalidated.

16 **Lamp Station License**

17 5. On or about February 9, 2008, the Bureau issued Lamp Station License Number LS  
18 195343, Class A, to Respondent El Primo Auto. The Lamp Station License was in full force and  
19 effect at all times relevant to the charges brought herein and would have expired on July 31, 2025,  
20 however, was cancelled on September 27, 2024, pursuant to Business and Professions Code,  
21 chapter 20.3, section 9887.5 and AB1263.

22 **Brake Station License**

23 6. On or about February 9, 2008, the Bureau issued Brake Station License Number BS  
24 195343, Class C, to Respondent El Primo Auto. The Brake Station License was in full force and  
25 effect at all times relevant to the charges brought herein and would have expired on January 31,  
26 2025, however, was cancelled on September 27, 2024, pursuant to Business and Professions  
27 Code, chapter 20.3, section 9887.5 and AB1263.

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1           **Vehicle Safety Systems Station License**

2           7.     On or about May 21, 2024, the Bureau issued Vehicle Safety Systems Station License  
3     Number VS 195343, to Respondent El Primo Auto. The Vehicle Safety Systems Station License  
4     was in full force and effect at all times relevant to the charges brought herein and will expire on  
5     July 31, 2026, unless renewed.

6           **Jaime Espericueta**

7           **Smog Check Inspector License/Smog Check Repair Technician License**  
8           **(formerly Advanced Emission Specialist Technician License Number EA 114085)**

9           8.     In 1999, the Bureau issued Advanced Emission Specialist Technician License  
10    Number EA 114085 to Jaime Espericueta (“Respondent Espericueta”). Respondent Espericueta’s  
11    Advanced Emission Specialist Technician License was due to expire on March 31, 2013,  
12    however, it was cancelled on February 6, 2013. Subsequently, pursuant to California Code of  
13    Regulations, title 16, section 3340.28, subdivision (e)<sup>1</sup>, the license was renewed, pursuant to  
14    Respondent Espericueta's election, as Smog Check Inspector License Number EO 114085 and  
15    Smog Check Repair Technician License Number EI 114085, effective February 6, 2013.  
16    Respondent Espericueta's Smog Check Inspector License and Smog Check Repair Technician  
17    License expired on March 31, 2025, and has not been renewed.

18           **Brake Adjuster License**

19           9.     On or about February 9, 2008, the Bureau issued Brake Adjuster License Number BA  
20    114085, Class C, to Respondent Espericueta. The Brake Adjuster License was in full force and  
21    effect at all times relevant to the charges brought herein and would have expired on March 31,  
22    2027, however, was cancelled on September 27, 2024, pursuant to Business and Professions  
23    Code, section 9887.5 and AB1263.

24    ///

25    ///

26           \_\_\_\_\_  
27           <sup>1</sup> Effective August 1, 2012, California Code of Regulations, title 16, sections 3340.28,  
28           3340.29, and 3340.30 were amended to implement a license restructure from the Advanced  
          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           **Lamp Adjuster License**

2           10. On or about February 9, 2008, the Bureau issued Lamp Adjuster License Number LA  
3 114085, Class A, to Respondent Espericueta. The Lamp Adjuster License was in full force and  
4 effect at all times relevant to the charges brought herein and would have expired on March 31,  
5 2026, however, was cancelled on September 27, 2024, pursuant to Business and Professions  
6 Code, section 9887.5 and AB1263.

7           **Vehicle Safety Technician License**

8           11. On or about April 8, 2024, the Bureau issued Vehicle Safety Technician License  
9 Number ST 114085 to Respondent Espericueta. The Vehicle Safety Technician License was in  
10 full force and effect at all times relevant to the charges brought herein and will expire on March  
11 31, 2026.

12                           **JURISDICTION**

13           12. This Accusation is brought before the Director of the Department of Consumer  
14 Affairs (“Director”) for the Bureau of Automotive Repair, under the authority of the following  
15 laws. All section references are to the Business and Professions Code (“Code”) unless otherwise  
16 indicated.

17           13. Section 9884.13 of the Code provides, in pertinent part, that the expiration of a valid  
18 registration shall not deprive the Director of jurisdiction to proceed with a disciplinary proceeding  
19 against an automotive repair dealer or to render a decision invalidating a registration temporarily  
20 or permanently.

21           14. Section 44002 of the Health and Safety Code provides, in pertinent part, that the  
22 Director has all the powers and authority granted under the Automotive Repair Act for enforcing  
23 the Motor Vehicle Inspection Program.

24           15. Section 44072.2 of the Health and Safety Code states:

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

28           . . . .

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

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

6 17. Section 44072.8 of the Health and Safety Code states:

7 When a license has been revoked or suspended following a hearing under this article,  
8 any additional license issued under this chapter in the name of the licensee may be likewise  
9 revoked or suspended by the director.

### 10 STATUTORY PROVISIONS

11 18. Section 9884.7 of the Code states:

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

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

21 . . . .

22 (4) Any other conduct that constitutes fraud.

23 (5) Conduct constituting gross negligence.

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

26 19. Section 9884.9 of the Code states:

27 (a) The automotive repair dealer shall give to the customer a written estimated price for  
28 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.

1 Written consent or authorization for an increase in the original estimated price may be provided  
2 by electronic mail or facsimile transmission from the customer. The bureau may specify in  
3 regulation the procedures to be followed by an automotive repair dealer if an authorization or  
4 consent for an increase in the original estimated price is provided by electronic mail or facsimile  
5 transmission. If that consent is oral, the dealer shall make a notation on the work order of the  
6 date, time, name of person authorizing the additional repairs and telephone number called, if any,  
7 together with a specification of the additional parts and labor and the total additional cost, and  
8 shall do either of the following:

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

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

14 I acknowledge notice and oral approval of an increase in the original estimated price.

15 \_\_\_\_\_  
16 (signature or initials)"

17 Nothing in this section shall be construed as requiring an automotive repair dealer to give a  
18 written estimated price if the dealer does not agree to perform the requested repair.

19 20. Section 9889.3 of the Code states:

20 The director may suspend, revoke, or take other disciplinary action against a license as  
21 provided in this article [Article 7 (commencing with section 9889.1) of Chapter 20.3 of Division  
22 3 of the Business and Professions Code] if the licensee or any partner, officer, or director thereof:

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

25 . . . .

26 (c) Violates any of the regulations promulgated by the director pursuant to this chapter [the  
27 Automotive Repair Act].

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

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

21. Section 44072.2 of the Health and Safety Code states:

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.

22. Section 44072.10 of the Health and Safety Code states:

.....  
(c) The department shall revoke the license of any smog check technician or station licensee who fraudulently certifies vehicles or participates in the fraudulent inspection of vehicles. A fraudulent inspection includes, but is not limited to, all of the following:

(1) Clean piping, clean plugging, clean glassing, clean tanking, or any other fraudulent inspection practice, as defined by the department.

(2) Tampering with a vehicle emission control system or test analyzer system.

(3) Tampering with a vehicle in a manner that would cause the vehicle to falsely pass or falsely fail an inspection.

(4) Intentional or willful violation of this chapter or any regulation, standard, or procedure of the department implementing this chapter.

### **REGULATORY PROVISIONS**

23. California Code of Regulations, title 16, section 3353, states:

An estimate shall be provided to and authorized by the customer before any work commences. The estimate shall meet the requirements of Business and Professions Code section 9884.9 as well as the following:

(a) Estimate for Parts and Labor. Every automotive repair dealer shall give to each customer an estimate containing the estimated price for parts and labor for a specific job prior to obtaining authorization. Each part listed in the estimate shall be

1 new unless specifically identified as a used, rebuilt, or reconditioned part.

2 24. California Code of Regulations, title 16, section 3373, states:

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

8 **COST RECOVERY**

9 25. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
10 administrative law judge to direct a licensee found to have committed a violation or violations of  
11 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
12 enforcement of the case, with failure of the licensee to comply subjecting the license to not being  
13 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
14 included in a stipulated settlement.

15 **FACTUAL ALLEGATIONS**

16 **UNDERCOVER OPERATION NO. 1: 2002 HONDA**

17 26. From about May 10, 2024, through May 24, 2024, a Bureau Representative  
18 documented the Brake and Lamp systems on a Bureau's 2002 Honda ("2002 Honda") at the  
19 Bureau's Forensic Documentation Laboratory. The Bureau Representative documented the 2002  
20 Honda brake system with all four-brake rotor thickness below the manufacturer's discard  
21 thickness. The Bureau Representative also documented the 2002 Honda lamp system with the  
22 left and right headlamps adjusted out of specifications.

23 27. On or about June 5, 2024, the Bureau Representative released custody of the 2002  
24 Honda to a Bureau's undercover operator ("operator"), the Bureau Representative instructed the  
25 operator, alias George Garcia, to drive the 2002 Honda to Respondent El Primo Auto's facility  
26 located at 100 Baker Street, Bakersfield California and request a brake, lamp, and a smog check  
27 inspection.

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1        28. The operator drove the 2002 Honda to Respondent El Primo Auto's facility, entered  
2 the office area, and spoke with a person who identified herself as Alyssa. The operator requested  
3 a smog, brake, and lamp inspection. Alyssa verbally quoted him an estimate of \$195.25, which  
4 the operator authorized. The operator did not sign nor receive a written estimate and left the  
5 repair facility.

6        29. On or about June 5, 2024, the operator telephoned Respondent El Primo Auto's  
7 facility and spoke with Alyssa. The operator was informed that the 2002 Honda had passed the  
8 inspections and was ready to be picked up. The operator returned to Respondent El Primo Auto's  
9 facility and met Alyssa. Alyssa stated to the operator that the 2002 Honda passed inspections and  
10 the total cost was \$195.25. The operator paid Alyssa \$195.25 in cash and received Invoice  
11 Number 6984, Vehicle Inspection Report ("VIR"), Brake Certificate Number BA4220080, and  
12 Lamp Certificate Number LA4168134. The operator left Respondent El Primo Auto's facility  
13 with the 2002 Honda Accord.

14        30. After arriving at the Bureau's Field Office, the operator released custody of the 2002  
15 Honda to the Bureau Representative. The operator provided the Bureau Representative with all  
16 the documents he received from Respondent El Primo Auto's facility, which the operator and the  
17 Bureau Representative both initialed and dated.

18        31. On or about June 6, 2024, a Bureau Representative began his re-inspection of the  
19 2002 Honda. The Bureau Representative re-inspected the 2002 Honda using a copy of  
20 Respondent El Primo Auto's Repair Invoice Number 6984.

21        32. The Bureau Representative found that the front and the rear wheels were not removed  
22 from the 2002 Honda. All four (4) undersized rotors that the Bureau Representative initially  
23 installed were still present on the 2002 Honda and remained below the manufacturer's minimum  
24 thickness specification. The 2002 Honda should have failed a properly performed brake  
25 inspection, and a Certificate of Compliance should not have been issued.

26        33. Respondent El Primo Auto certified under penalty of perjury on Brake Certificate  
27 Number BA4220080 that the front and the rear brake rotors on the 2000 Honda Accord were in  
28 satisfactory condition. All four (4) wheel tamper indicators were still present and undisturbed,

1 indicated the wheels were not removed from the 2002 Honda for brake inspection, and all four (4)  
2 brake rotors were machined beyond the manufacturer's minimum thickness specification and  
3 were still present on the 2002 Honda. A Certificate of Compliance for the brake system should  
4 not have been issued.

5 **FIRST CAUSE FOR DISCIPLINE**

6 **(Untrue and Misleading Statement)**

7 34. Respondent El Primo Auto's automotive repair dealer registration is subject to  
8 discipline under Code section 9884.7, subdivision (a)(1) and California Code of Regulation, title  
9 16, section 3373, in that on or about June 5, 2024, regarding the 2002 Honda vehicle, Respondent  
10 El Primo Auto made or authorized statements which it knew or in the exercise of reasonable care  
11 should have known to be untrue or misleading, as follows:

12 a. Respondent El Primo Auto certified under penalty of perjury on Brake Certificate  
13 Number BA4220080 that the applicable inspection was performed on the brake system when, in  
14 fact, Respondent El Primo Auto's adjuster, Respondent Espericueta, failed to inspect the brake  
15 system on the vehicle, as evidenced by his failure to remove the front and the rear wheels.

16 b. Respondent El Primo Auto certified under penalty of perjury on Brake Certificate  
17 Number BA4220080 that all four (4) rotors were within the manufacturer's specifications.

18 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
19 paragraphs 26 through 33, as though fully set forth.

20 **SECOND CAUSE FOR DISCIPLINE**

21 **(Fraud)**

22 35. Respondent El Primo Auto's automotive repair dealer registration is subject to  
23 discipline pursuant to Code section 9884.7, subdivision (a)(4), in that on or about June 5, 2024,  
24 regarding the 2002 Honda vehicle, Respondent El Primo Auto committed acts that constitute  
25 fraud, as follows:

26 a. Respondent El Primo Auto obtained payment from the operator for performing the  
27 applicable inspections and adjustments on the 2002 Honda vehicle's brake system as specified by  
28

1 the Bureau and in accordance with the Vehicle Code when, in fact, Respondent El Primo Auto  
2 failed to perform the necessary inspections.

3 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
4 paragraphs 26 through 33, as though fully set forth.

5 **THIRD CAUSE FOR DISCIPLINE**

6 **(Gross Negligence)**

7 36. Respondent El Primo Auto's automotive repair dealer registration is subject to  
8 discipline under Code section 9884.7, subdivision (a)(5), in that on or about June 5, 2024,  
9 regarding the 2002 Honda vehicle, Respondent El Primo Auto committed acts constituting gross  
10 negligence, in that Respondent's adjuster, Respondent Espericueta, failed to properly inspect the  
11 2002 Honda vehicle's brake system and issued Brake Certificate Number BA4220080, indicating  
12 that the vehicle's brakes were in satisfactory condition and were in accordance with the Vehicle  
13 Code when, in fact, they were not.

14 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
15 paragraphs 26 through 33, as though fully set forth.

16 **FOURTH CAUSE FOR DISCIPLINE**

17 **(Failure to Provide a Copy of a Signed Document)**

18 37. Respondent El Primo Auto's automotive repair dealer registration is subject to  
19 discipline under Code section 9884.9 and California Code of Regulation, title 16, section 3353,  
20 subdivision (a), in that on or about June 5, 2024, regarding the 2002 Honda vehicle, Respondent  
21 El Primo Auto failed to provide the operator with a copy of the estimate.

22 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
23 paragraphs 26 through 33, as though fully set forth.

24 **FIFTH CAUSE FOR DISCIPLINE**

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

26 38. Respondent El Primo Auto's automotive repair dealer registration is subject to  
27 discipline pursuant to Code section, subdivision 9884.7(a)(6), in that on or about June 5, 2024,  
28

1 regarding the 2002 Honda vehicle, Respondent El Primo Auto failed to comply with provisions of  
2 that Code in the following material respects:

3 a. **Section 9884.9, subdivision (a):** Respondent El Primo Auto failed to provide the  
4 operator with a written estimated price for parts and labor for a specific job.

5 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
6 paragraphs 26 through 33, as though fully set forth.

7 **SIXTH CAUSE FOR DISCIPLINE**

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

9 39. Respondent El Primo Auto's Smog Check Station License is subject to discipline  
10 pursuant to Health and Safety Code sections 44072.2, subdivision (d) and 44072.10, subdivision  
11 (c), in that it committed acts involving dishonesty, fraud, or deceit whereby another was injured.  
12 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
13 paragraphs 26 through 33, as though fully set forth.

14 **SEVENTH CAUSE FOR DISCIPLINE**

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

16 40. Respondent Espericueta's Smog Check Inspector License and Smog Check Repair  
17 Technician License are subject to discipline pursuant to Health and Safety Code sections 44072.2,  
18 subdivision (d) and 44072.10, subdivision (c), in that Respondent Espericueta committed acts  
19 involving dishonesty, fraud, or deceit whereby another was injured, as set forth in paragraphs 26  
20 through 33, above.

21 **UNDERCOVER OPERATION NO. 2: 2007 TOYOTA**

22 41. From about May 10, 2024, through May 23, 2024, a Bureau Representative  
23 documented the Brake and Lamp systems on a Bureau's 2007 Toyota ("2007 Toyota") at the  
24 Bureau's Forensic Documentation Laboratory. The Bureau Representative documented the 2007  
25 Toyota brake system with all four-brake rotor thickness below the manufacturer's discard  
26 thickness. The Bureau Representative also documented the 2007 Toyota lamp system with two  
27 inoperative (2) rear license plate lamps.

28 ///

1           42. On or about June 7, 2024, the Bureau Representative released custody of the 2007  
2 Toyota to a Bureau's undercover operator ("operator"). The Bureau Representative instructed the  
3 operator, alias George Garcia, to drive the 2007 Toyota to Respondent El Primo Auto's facility  
4 located at 100 Baker Street, Bakersfield California, and request a brake, lamp, and a smog check  
5 inspection.

6           43. The operator drove the 2007 Toyota to Respondent El Primo Auto's facility and met  
7 with a person who identified herself as Maria Luz ("Luz"). The operator requested a smog,  
8 brake, and lamp inspection. Luz verbally quoted the operator an estimate of \$195.25, which the  
9 operator authorized. The operator did not sign nor receive a written estimate and subsequently  
10 left Respondent El Primo Auto's facility.

11           44. On or about June 7, 2024, the operator received a telephone call from Respondent El  
12 Primo's employee. The operator stated that the 2007 Toyota passed the inspections and was  
13 ready to be picked up. The Bureau Representative instructed the operator to return to Respondent  
14 El Primo Auto's facility.

15           45. The operator met Luz, who stated that the 2007 Toyota passed the inspections, and  
16 the total cost was \$195.25. The operator received Invoice Number 7033, Vehicle Inspection  
17 Report ("VIR"), Brake Certificate Number BA4220111, and Lamp Certificate Number  
18 LA4171864. The operator paid Luz \$195.25 in cash and drove the 2007 Toyota from Respondent  
19 El Primo Auto's facility.

20           46. After arriving at the Bureau's Forensic Documentation Laboratory, the operator  
21 released custody of the 2007 Toyota to the Bureau Representative. The operator and the Bureau  
22 Representative both initialed and dated Respondent El Primo's Estimate Number 7033, VIR,  
23 Brake Certificate Number BA4220111, and Lamp Certificate Number LA4171864. The operator  
24 provided the Bureau Representative with all the documents he received from Respondent El  
25 Primo Auto's facility, which the operator and the Bureau Representative both initialed and dated.

26           47. On or about June 7, 2024, the Bureau Representative began his re-inspection of the  
27 Bureau's 2007 Toyota. The Bureau Representative re-inspected the 2007 Toyota using a copy of  
28 Respondent El Primo Estimate Number 7033. The Bureau Representative found the license plate

1 lamps were still inoperative.

2 48. The Bureau Representative found that the right-side wheels were not removed for the  
3 brake inspection and that the left-side wheel lug nuts were overtightened. The Bureau  
4 Representative also found that all four (4) undersized rotors that he marked and initially installed  
5 were still present on the 2007 Toyota and remained below the manufacturer's minimum thickness  
6 specification.

7 49. Respondent El Primo certified under penalty of perjury on Brake Certificate Number  
8 BA4220111 that the front and the rear brake rotors on the 2007 Toyota were in satisfactory  
9 condition. On or about June 7, 2024, the Bureau Representative reinspected the 2007 Toyota.  
10 The Bureau Representative inspected and photographed the intact tamper indicators on the front  
11 right and rear right wheels, which indicated that the wheels on the right side of the 2007 Toyota  
12 were not removed for a brake inspection. The Bureau Representative verified that the tamper  
13 indicators on the front left and rear left wheels were broken. All four brake rotors were machined  
14 beyond the manufacturer's minimum thickness specification and were still present on the 2007  
15 Toyota.

16 50. Respondent El Primo certified under penalty of perjury on Lamp Certificate Number  
17 LA4171864 that the license plate lamps were operational when in fact it was not. A Certificate of  
18 Compliance for the brake system and lamp system should not have been issued.

19 **EIGHTH CAUSE FOR DISCIPLINE**

20 **(Untrue and Misleading Statement)**

21 51. Respondent El Primo Auto's automotive repair dealer registration is subject to  
22 discipline under Code section 9884.7, subdivision (a)(1) and California Code of Regulation, title  
23 16, section 3373, in that on or about June 7, 2024, regarding the 2007 Toyota vehicle, Respondent  
24 El Primo Auto made or authorized statements which it knew or in the exercise of reasonable care  
25 should have known to be untrue or misleading, as follows:

26 a. Respondent El Primo Auto certified under penalty of perjury on Brake Certificate  
27 Number BA4220111 that the applicable inspection was performed on the brake system when, in  
28 fact, Respondent El Primo Auto' adjuster, Respondent Espericueta, failed to inspect the brake

1 system on the vehicle, as evidenced by his failure to remove the wheels on the right side of the  
2 2007 Toyota.

3 b. Respondent El Primo Auto certified under penalty of perjury on Brake Certificate  
4 Number BA4220111 that all four (4) rotors were within the manufacturer's specifications.

5 c. Respondent El Primo Auto certified under penalty of perjury on Lamp Certificate  
6 Number LA4171864 that the applicable adjustments had been performed on the lamp system  
7 when, in fact, the license plate lamps were not operational.

8 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
9 paragraphs 41 through 50, as though fully set forth.

10 **NINTH CAUSE FOR DISCIPLINE**

11 **(Fraud)**

12 52. Respondent El Primo Auto's automotive repair dealer registration is subject to  
13 discipline pursuant to Code section 9884.7, subdivision (a)(4), in that on or about June 7, 2024,  
14 regarding the 2007 Toyota vehicle, Respondent El Primo Auto committed acts that constitute  
15 fraud, as follows:

16 a. Respondent El Primo Auto obtained payment from the operator for performing the  
17 applicable inspections and adjustments on the 2007 Toyota vehicle's brake system and lamp  
18 systems as specified by the Bureau and in accordance with the Vehicle Code when, in fact,  
19 Respondent El Primo Auto failed to perform the necessary inspections.

20 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
21 paragraphs 41 through 50, as though fully set forth.

22 **TENTH CAUSE FOR DISCIPLINE**

23 **(Gross Negligence)**

24 53. Respondent El Primo Auto's automotive repair dealer registration is subject to  
25 discipline under Code section 9884.7, subdivision (a)(5), in that on or about June 7, 2024,  
26 regarding the 2007 Toyota vehicle, Respondent El Primo Auto committed acts constituting gross  
27 negligence, in that Respondent's adjuster, Respondent Espericueta, failed to properly inspect the  
28 2007 Toyota vehicle's brake and lamp systems and issued Brake Certificate Number BA4220080



1 and Lamp Certificate Number LA4171864, indicating that the vehicle's brake and lamp systems  
2 were in satisfactory condition and were in accordance with the Vehicle Code when, in fact, they  
3 were not.

4 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
5 paragraphs 41 through 50, as though fully set forth.

6 **ELEVENTH CAUSE FOR DISCIPLINE**

7 **(Failure to Provide a Copy of a Signed Document)**

8 54. Respondent El Primo Auto's automotive repair dealer registration is subject to  
9 discipline under Code section 9884.9 and California Code of Regulation, title 16, section 3353,  
10 subdivision (a), in that on or about June 7, 2024, regarding the 2007 Toyota vehicle, Respondent  
11 El Primo Auto failed to provide the operator with a copy of the estimate.

12 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
13 paragraphs 41 through 50, as though fully set forth.

14 **TWELVE CAUSE FOR DISCIPLINE**

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

16 55. Respondent El Primo Auto's automotive repair dealer registration is subject to  
17 discipline pursuant to Code section, subdivision 9884.7(a)(6), in that on or about June 7, 2024,  
18 regarding the 2007 Toyota vehicle, Respondent El Primo Auto failed to comply with provisions  
19 of that Code in the following material respects:

20 a. **Section 9884.9, subdivision (a):** Respondent El Primo Auto failed to provide the  
21 operator with a written estimated price for parts and labor for a specific job.

22 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
23 paragraphs 41 through 50, as though fully set forth.

24 **THIRTEENTH CAUSE FOR DISCIPLINE**

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

26 56. Respondent El Primo Auto's Smog Check Station License is subject to discipline  
27 pursuant to Health and Safety Code sections 44072.2, subdivision (d) and 44072.10, subdivision  
28 (c), in that it committed acts involving dishonesty, fraud, or deceit whereby another was injured.

1 Complainant refers to, and by this reference incorporates, the allegations set forth above in  
2 paragraphs 41 through 50, as though fully set forth.

3 **FOURTEENTH FOR DISCIPLINE**

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

5 57. Respondent Espericueta's Smog Check Inspector License and Smog Check Repair  
6 Technician License, are subject to discipline pursuant to Health and Safety Code sections  
7 44072.2, subdivision (d) and 44072.10, subdivision (c), in that Respondent Espericueta  
8 committed acts involving dishonesty, fraud, or deceit whereby another was injured. Complainant  
9 refers to, and by this reference incorporates, the allegations set forth above in paragraphs 41  
10 through 50, as though fully set forth.

11 **OTHER MATTERS**

12 58. Pursuant to Code section 9884.7, subdivision (c), the director may suspend, revoke,  
13 or place on probation the registrations for all places of business operated in this state by Jaime  
14 Espericueta, upon a finding that he has, or is, engaged in a course of repeated and willful  
15 violation of the laws and regulations pertaining to an automotive repair dealer.

16 59. Pursuant to Health and Safety Code section 44072.8, if Smog Check Station License  
17 Number RC 195343, issued to Jaime Espericueta-Owner dba El Primo Auto Center, is revoked or  
18 suspended, any additional license issued under this Chapter 5 of Part 5 of Division 26 of the  
19 Health and Safety Code in the name of said licensee may be likewise revoked or suspended by the  
20 director.

21 60. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector  
22 License Number EO 114085 and Smog Check Repair Technician License Number EI 114085  
23 (formerly Advanced Emission Specialist Technician License Number EA 114085), issued to  
24 Jaime Espericueta, are revoked or suspended, any additional license issued under Chapter 5 of  
25 Part 5 of Division 26 of the Health and Safety Code in the name of said licensee may be likewise  
26 revoked or suspended by the director.

27 ///

28 ///

**PRAYER**

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

1. Revoking or suspending Automotive Repair Dealer Registration Number ARD 195343, issued to Jaime Espericueta-Owner dba El Primo Auto Center;
2. Revoking, suspending, or placing on probation any other automotive repair dealer registration issued to Jaime Espericueta;
3. Revoking or suspending Smog Check Station License Number RC 195343, issued to Jaime Espericueta-Owner dba El Primo Auto Center;
4. Revoking or suspending Smog Check Inspector License Number EO 114085, issued to Jaime Espericueta;
5. Revoking or suspending Smog Check Repair Technician License Number EI 114085, issued to Jaime Espericueta;
6. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of Jaime Espericueta;
7. Revoking or suspending any additional license issued under Articles 5 and 6 of Chapter 20.3 of Division 3 of the Business and Professions Code in the name of Jaime Espericueta;
8. Ordering Jaime Espericueta-Owner dba El Primo Auto Center and Jaime Espericueta to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
9. Taking such other and further action as deemed necessary and proper.

DATED: As per Digital Signature Date

**Dorais,  
Patrick@DCA**

Digitally signed by Dorais,  
Patrick@DCA  
Date: 2025.09.05 13:24:13  
-07'00'

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