

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

In the Matter of the Accusation Against:

G & J AUTO REPAIR
PARMJIT KAUR GILL, Owner
1199 Saratoga Avenue, Unit A
San Jose, CA 95129

Automotive Repair Dealer Registration No.
ARD 256975

Smog Check Station License No. RC 256975

Respondent.

Case No. 77/13-39

OAH No. 2013090996

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

April 24, 2014

DATED: _____

APR 01 2014



DONALD CHANG
Assistant Chief Counsel
Department of Consumer Affairs

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 TIMOTHY J. McDONOUGH
Deputy Attorney General
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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. 77/13-39

13 **G & J AUTO REPAIR**
14 **PARMJIT KAUR GILL, Owner**
15 **1199 Saratoga Avenue, Unit A**
San Jose, CA 95129

OAH No. 2013090996

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

16 **Automotive Repair Dealer Registration No.**
17 **ARD 256975**

18 **Smog Check Station License No. RC 256975**

19 Respondent.

20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
21 entitled proceedings that the following matters are true:

22 PARTIES

23 1. Patrick Dorais ("Complainant") is the Chief of the Bureau of Automotive Repair. He
24 brought this action solely in his official capacity and is represented in this matter by Kamala D.
25 Harris, Attorney General of the State of California, by Timothy J. McDonough, Deputy Attorney
26 General.

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

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

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

11 8. **Violation of Probation.** Should the Director of Consumer Affairs determine that
12 Respondent has failed to comply with the terms and conditions of probation, the Department may,
13 after giving notice and opportunity to be heard, temporarily or permanently invalidate the Auto
14 Repair Registration and suspend or revoke the Smog Check Station License.

15 9. **Restrictions.** During the period of probation, Respondent shall not perform any form
16 of smog inspection, or emission system diagnosis or repair, until Respondent has purchased,
17 installed, and maintained the diagnostic and repair equipment prescribed by BAR necessary to
18 properly perform such work, and BAR has been given 10 days notice of the availability of the
19 equipment for inspection by a BAR representative.

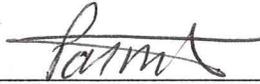
20 10. **Cost Recovery.** Payment to the Bureau of \$10,704.00 (cost recovery) shall be paid
21 to the Bureau of automotive repair within 24 months of the effective date of the decision. The
22 money shall be paid in in monthly payments of at least \$446. The entire \$10, 725 shall be paid in
23 full no later than 12 months before probation terminates. Failure to complete the payment of the
24 cost recovery within this time frame shall constitute a violation of probation which may subject
25 Respondent's registration and license to outright revocation; however, the Director or the
26 Director's Bureau of Automotive Repair designee may elect to continue probation until such time
27 as reimbursement of the entire cost recovery amount has been made to the Bureau.

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ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Auto Repair Dealer Registration, and Smog Check Station License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Director of Consumer Affairs.

DATED: 2/6/2014 
PARMJIT KAUR GILL, OWNER
G & J AUTO REPAIR
Respondent

ENDORSEMENT

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

Dated: 2-12-14 Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
DIANN SOKOLOFF
Supervising Deputy Attorney General

TIMOTHY J. McDONOUGH
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 77/13-39

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Supervising Deputy Attorney General
3 TIMOTHY J. MCDONOUGH
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PARMJIT KAUR GILL, Owner
14 1199 Saratoga Avenue, Unit A
San Jose, CA 95129

ACCUSATION

15 Automotive Repair Dealer Registration No.
16 ARD 256975
17 Smog Check Station License No. RC 256975

18 Respondent.

19
20 John Wallauch ("Complainant") alleges:

21 PARTIES

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

24 Automotive Repair Dealer Registration No. ARD 256975

25 2. On or about December 22, 2008, the Bureau issued Automotive Repair Dealer
26 Registration Number ARD 256975 ("registration") to Parmjit Kaur Gill ("Respondent"), doing
27 business as G & J Auto Repair. The registration was in full force and effect at all times relevant
28 to the charges brought herein and will expire on November 30, 2013, unless renewed.

1 Smog Check Station License No. RC 256975

2 3. On or about December 29, 2008, the Bureau issued Smog Check Station License
3 Number RC 256975 ("station license") to Respondent. The registration was in full force and
4 effect at all times relevant to the charges brought herein and will expire on November 30, 2013,
5 unless renewed.

6 STATUTORY PROVISIONS

7 4. Section 9884.7 of the Business and Professions Code ("Code") states, in pertinent
8 part:

9 (a) The director, where the automotive repair dealer cannot show there
10 was a bona fide error, may deny, suspend, revoke, or place on probation, the
11 registration of an automotive repair dealer for any of the following acts or omissions
12 related to the conduct of the business of the automotive repair dealer, which are done
13 by the automotive repair dealer or any automotive technician, employee, partner,
14 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.

15 (4) Any other conduct that constitutes fraud.

16 (6) Failure in any material respect to comply with the provisions of this
17 chapter [the Automotive Repair Act (Bus. & Prof. Code, § 9880, et seq.)] or
18 regulations adopted pursuant to it.

18 (b) Except as provided for in subdivision (c), if an automotive repair
19 dealer operates more than one place of business in this state, the director pursuant to
20 subdivision (a) shall only suspend, revoke, or place on probation the registration of
21 the specific place of business which has violated any of the provisions of this chapter.
22 This violation, or action by the director, shall not affect in any manner the right of the
23 automotive repair dealer to operate his or her other places of business.

21 (c) Notwithstanding subdivision (b), the director may suspend, revoke, or
22 place on probation, the registration for all places of business operated in this state by
23 an automotive repair dealer upon a finding that the automotive repair dealer has, or is,
24 engaged in a course of repeated and willful violations of this chapter, or regulations
25 adopted pursuant to it.

24 5. Code section 9884.8 states:

25 All work done by an automotive repair dealer, including all warranty
26 work, shall be recorded on an invoice and shall describe all service work done and
27 parts supplied. Service work and parts shall be listed separately on the invoice, which
28 shall also state separately the subtotal prices for service work and for parts, not
including sales tax, and shall state separately the sales tax, if any, applicable to each.
If any used, rebuilt, or reconditioned parts are supplied, the invoice shall clearly state
that fact. If a part of a component system is composed of new and used, rebuilt or

1 was the addition of brake fluid to the master cylinder. The operator arrived at Respondent's
2 facility and was greeted by a female standing behind the counter. The operator told her that she
3 needed her vehicle inspected, in that the brake warning light was illuminated. The operator
4 completed and signed Repair Order No. [REDACTED] but was not provided a copy. Respondent
5 contacted the operator and told her that the master cylinder was low on fluid and that the front
6 brake pads were worn and needed to be replaced. The cost of the repairs would be \$200. The
7 operator authorized the repairs.

8 17. On or about November 30, 2011, the operator returned to Respondent's facility to
9 retrieve the vehicle. The operator paid Respondent \$206.60 and received a copy of Repair Order
10 No. [REDACTED]

11 18. On or about December 29, 2011, a Bureau representative re-inspected the vehicle
12 using Repair Order No. [REDACTED] dated November 30, 2011, as a reference. The Bureau
13 representative found that Respondent unnecessarily replaced the front brake pads and resurfaced
14 the front brake rotors.

15 FOURTH CAUSE FOR DISCIPLINE

16 (Untrue or Misleading Statements)

17 19. Respondent's registration is subject to discipline under Code section 9884.7(a)(1),
18 in that on or about November 30, 2011, Respondent made statements which he knew or which by
19 exercise of reasonable care, should have known were untrue or misleading, in that Respondent
20 falsely represented to the operator that the front brake pads needed to be replaced when, in fact,
21 they did not.

22 FIFTH CAUSE FOR DISCIPLINE

23 (Fraudulent Acts)

24 20. Respondent's registration is subject to discipline under Code section 9884.7(a)(4),
25 in that on or about November 30, 2011, Respondent committed acts which constitute fraud, in
26 that Respondent told the operator that the front brake pads needed to be replaced, and then
27 invoiced and received payment from the operator for that repair when, in fact, that repair was not
28 necessary.

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2. Suspend, revoke, or place on probation any other automotive repair dealer registration issued to Parmjit Kaur Gill;

3. Suspend, revoke, or place on probation Smog Check Station License Number RC 256975, issued to Parmjit Kaur Gill, doing business as G & J Auto Repair;

4. Suspend, revoke, or place on probation any additional license issued under Chapter 5 of the Health and Safety Code in the name of Parmjit Kaur Gill;

5. Ordering Parmjit Kaur Gill to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,

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

DATED: March 1, 2013



JOHN WALLAUCH

Chief

Bureau of Automotive Repair

Department of Consumer Affairs

State of California

Complainant

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