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

In the Matter of the Accusation Against:

Case No. 7717-13202

**OZDEN AUTO REPAIR  
MUSTAFA OZDEN, OWNER  
864 23<sup>RD</sup> Street  
Oakland, CA 94804,**

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

**Automotive Repair Dealer Registration  
No. ARD 258691  
Smog Check Station License No. RC 258691  
Lamp Station License No. LS 258691, Class A  
Brake Station License No. BS 258691, Class C**

**And**

**MUSTAFA OZDEN  
864 23<sup>RD</sup> Street  
Oakland, CA 94804,**

**Smog Check Inspector (EO)  
License No. EO 134514  
Smog Check Repair Technician (EI)  
License No. EI 134514  
Brake Adjuster License No. BA 134514, Class C  
Lamp Adjuster License No. LA 134514, Class A**

Respondents.

1 Complainant alleges:

2 **PARTIES**

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

5 **Automotive Repair Dealer Registration**

6 2.o On or about July 2, 2009, the Bureau of Automotive Repair issued Automotive  
7 Repair Dealer Registration Number ARD 258691 to Mustafa Ozden, dba Ozden Auto Repair  
8 (Respondent Ozden Auto Repair). The Automotive Repair Dealer Registration was in full force  
9 and effect at all times relevant to the charges brought herein and will expire on June 30, 2019,  
10 unless renewed.

11 **Smog Check Station License**

12 3.o On or about September 1, 2009, the Bureau of Automotive Repair issued Smog  
13 Check Station License Number RC 258691 to Respondent Ozden Auto Repair. The Smog Check  
14 Station License was in full force and effect at all times relevant to the charges brought herein and  
15 will expire on June 30, 2019, unless renewed.

16 **STAR Station**

17 4. On or about August 13, 2013, the Bureau of Automotive Repair certified Respondent  
18 Ozden Auto Repair as a STAR Station. The STAR Station certification will remain active unless  
19 the ARD registration and/or Smog Check Station license is revoked, canceled, licenses become  
20 delinquent or certification is invalidated.

21 **Lamp Station License**

22 5. On or about July 14, 2010, the Bureau of Automotive Repair issued Lamp Station  
23 License Number LS 258691, class A to Respondent Ozden Auto Repair. The Lamp Station  
24 License was in full force and effect at all times relevant to the charges brought herein and will  
25 expire on June 30, 2019, unless renewed.

26 **Brake Station License**

27 6. On or about July 14, 2010, the Bureau of Automotive Repair issued Brake Station  
28 License Number BS 258691, class C to Respondent Ozden Auto Repair. The Brake Station

1 License was in full force and effect at all times relevant to the charges brought herein and will  
2 expire on June 30, 2019, unless renewed.

3 **Mustafa Ozden Smog Check Inspector and Smog Check Repair Technician Licenses**

4 7. In or about 2001, the Bureau of Automotive Repair issued Advanced Emission  
5 Specialist (EA) License No. EA 134514 to Mustafa Ozden (Respondent Mustafa Ozden). The  
6 Advance Emission Specialist (EA) License was cancelled on January 17, 2014. Pursuant to  
7 California Code of Regulations, title 16, section 3340.28, subsection (e), the license was renewed,  
8 pursuant to Respondent Mustafa Ozden's election, as Smog Check Inspector License No. EO  
9 134514 and Smog Check Repair Technician No. EI 134514, effective January 17, 2014<sup>1</sup>. Thea  
10 Smog Check Inspector License No. EO 134514 and Smog Check Repair Technician No. EI  
11 134514 were in full force and effect at all times relevant to the charges brought herein and will  
12 expire on January 31, 2020, unless renewed.

13 **Mustafa Ozden Brake Adjuster License**

14 8. On or about April 19, 2010, the Bureau of Automotive Repair issued Brake Adjuster  
15 License Number BA 134514, class C to Respondent Mustafa Ozden. The Brake Adjuster License  
16 was in full force and effect at all times relevant to the charges brought herein and will expire on  
17 January 31, 2022, unless renewed.

18 **Mustafa Ozden Lamp Adjuster License**

19 9. On or about June 21, 2010, the Bureau of Automotive Repair issued Lamp Adjuster  
20 License Number LA 134514, class A to Respondent Mustafa Ozden. The Lamp Adjuster License  
21 was in full force and effect at all times relevant to the charges brought herein and will expire on  
22 January 31, 2022, unless renewed.

23 ///

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25 ///

26 \_\_\_\_\_  
27 <sup>1</sup> Effective August 1, 2012, California Code of Regulations, title 16, section 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 and/or Smog Check Repair Technician (EI) license.

**JURISDICTION**

10.e This Accusation is brought before the Director of the Department of Consumer Affairs (Director) for the Bureau of Automotive Repair, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

11.e Section **9884.7** of the Code states:

“(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 which constitutes fraud.

...

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

...”

12.e Section **9884.8** of the Code states:

“All work done by an automotive repair dealer, including all warranty work, shall be recorded on an invoice and shall describe all service work done and parts supplied. Service work and parts shall be listed separately on the invoice, which 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 reconditioned parts, that invoice shall clearly state that fact. The invoice shall include a statement indicating whether any crash parts are original equipment manufacturer crash parts or



1 nonoriginal equipment manufacturer aftermarket crash parts. One copy of the invoice shall be  
2 given to the customer and one copy shall be retained by the automotive repair dealer.”

3 13.o Section **9884.9** of the Code states:o

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

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

20 “(2) Upon completion of the repairs, obtain the customer’s signature or initials to an  
21 acknowledgment of notice and consent, if there is an oral consent of the customer to additional  
22 repairs, in the following language:

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

24 \_\_\_\_\_  
25 (signature or initials)”

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

28 ”

14. Section **9889.3** of the Code states:e

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

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

...

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

...

“(f) Aids or abets an unlicensed person to evade the provisions of this chapter.

...”

15.e Section **9889.16** of the Code states:e

“Whenever a licensed adjuster in a licensed station upon an inspection or after an adjustment, made in conformity with the instructions of the bureau, determines that the lamps or the brakes upon any vehicle conform with the requirements of the Vehicle Code, he shall, when requested by the owner or driver of the vehicle, issue a certificate of adjustment on a form prescribed by the director, which certificate shall contain the date of issuance, the make and registration number of the vehicle, the name of the owner of the vehicle, and the official license of the station.”

### **REGULATORY PROVISIONS**

16.e California Code of Regulations, title 16, section **3305**, states:e

“(a) All adjusting, inspecting, servicing, and repairing of brake systems and lamp systems for the purpose of issuing any certificate of compliance or adjustment shall be performed in official stations, by official adjusters in accordance with the following, in descending order of precedence, as applicable:

(1) Vehicle Manufacturers' current standards, specifications and recommended procedures, as published in the manufacturers' vehicle service and repair manuals.

1 (2)sCurrent standards, specifications, procedures, directives, manuals, bulletins and  
2 instructions issued by vehicle and equipment or device manufacturers.

3 (3)sStandards, specifications and recommended procedures found in current industry-  
4 standard reference manuals and periodicals published by nationally recognized repair information  
5 providers.

6 (4)sThe bureau's Handbook for Brake Adjusters and Stations, May 2015, which is hereby  
7 incorporated by reference.

8 (5)sThe bureau's Handbook for Lamp Adjusters and Stations, May 2015, which is hereby  
9 incorporated by reference.

10 ... "

11 17.s California Code of Regulations, title 16, section **3353**, states:s

12 "No work for compensation shall be commenced and no charges shall accrue without  
13 specific authorization from the customer in accordance with the following requirements:

14 "(a) Estimate for Parts and Labor. Every dealer shall give to each customer a written  
15 estimated price for labor and parts for a specific job.

16 ..."

17 18.s California Code of Regulations, title 16, section **3356<sup>2</sup>**, states:s

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

20 (1)sThe invoice shall show the automotive repair dealer's registration number and the  
21 corresponding business name and address as shown in the Bureau's records. If the automotive  
22 repair dealer's telephone number is shown, it shall comply with the requirements of subsection (b)  
23 of Section 3371 of this chapter.

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

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

27 <sup>2</sup> California Code of Regulations sections pertaining to estimates, authorizations and  
28 invoice requirements were amended effective 9/13/2018. This is the pre-amendment sections that  
pertain to undercover runs prior to 9/13/2018.

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

5 (C)aThe subtotal price for all service and repair work performed.a

6 ...”

7 19.a California Code of Regulations, title 16, section **3356**<sup>3</sup>, states:a

8 (a)aAll invoices for service and repair work performed, and parts supplied, as provided for a  
9 in Section 9884.8 of the Business and Professions Code, shall comply with this section.

10 (b)aThe invoice shall show the automotive repair dealer's registration number and the a  
11 corresponding business name and address as shown in the Bureau's records.

12 (c)aThe invoice shall separately list, describe and identify all of the following:a

13 (1)aAll services and repairs performed, including any diagnosis or warranty repairs, and the a  
14 prices for each.

15 (2)aEach part supplied, in such a manner that the customer can understand what was a  
16 purchased, and the price for each described part. The description of each part shall state whether  
17 the part was new, used, reconditioned, rebuilt, an OEM crash part, or a non-OEM aftermarket  
18 crash part. Part kits containing several components may be listed as a single part on the invoice  
19 and identified by brand name and corresponding part number or similar designation.

20 (3)aThe subtotal price for all service and repair work performed.a

21 ...”

22 20.a California Code of Regulations, title 16, section **3373**, states:a

23 "No automotive repair dealer or individual in charge shall, in filling out an estimate,  
24 invoice, or work order, or record required to be maintained by section 3340.15(e) of this chapter,  
25 withhold therefrom or insert therein any statement or information which will cause any such  
26

27 <sup>3</sup> California Code of Regulations sections pertaining to estimates, authorizations and  
28 invoice requirements were amended effective 9/13/2018. This is the post-amendment sections  
that pertain to undercover runs after 9/13/2018.

1 document to be false or misleading, or where the tendency or effect thereby would be to mislead  
2 or deceive customers, prospective customers, or the public."

### 3 COSTS

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

### 11 UNDERCOVER OPERATION #1: 1997 ACURA

12 22.o On November 14, 2017, an undercover operator of the Bureau (operator) took the  
13 Bureau's 1997 Acura (Acura) to Respondent Ozden Auto Repair. The operator met with Richard  
14 Saechao and requested brake, lamp, and smog inspections on the vehicle. The Acura had been  
15 documented to fail a California Brake inspection and a California Lamp inspection.

16 a.o The Acura had machined left front and right rear brake rotors to undersized thickness.  
17 In this condition, it could not legally pass a California Brake inspection.

18 b.o The Acura had the right front headlight misadjusted down and out of specifications.  
19 In this condition, it could not legally pass a California Lamp inspection.

20 c.o Richard Saechao prepared an estimate and asked the operator to sign it. The operator  
21 signed the estimate and received an unnumbered pink copy.

22 e.o The operator saw Richard Saechao perform a smog check inspection. After the smog  
23 inspection, Respondent Mustafa Ozden performed brake and lamp inspections.

24 f.o After the inspections were complete, Respondent Mustafa Ozden filled out and signed  
25 the brake and lamp certificates and the operator paid him \$168.00. Respondent Mustafa Ozden  
26 provided the operator with a yellow unnumbered invoice dated [REDACTED], a Smog  
27 Check Vehicle Inspection Report (VIR), a Certificate of Compliance-Brake Adjustment  
28

1 Certificate [REDACTED] (Brake Certificate) and a Certificate of Compliance-Lamp Adjustment  
2 certificate [REDACTED] (Lamp Certificate). The operator then left the facility.

3 23.a On November 29, 2017, the Bureau inspected the vehicle and found that the Acura  
4 still failed the California Brake Inspection because of the undersized left front brake and right rear  
5 brake rotors. The Acura still failed the California Lamp Inspection because of the misadjusted  
6 right front headlight.

7 **FIRST CAUSE FOR DISCIPLINE**

8 **(Untrue or Misleading Statements)**

9 24.a Respondent Ozden Auto Repair's registration is subject to disciplinary action  
10 pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(1), in that Respondent Ozden Auto  
11 Repair made or authorized statements which it knew or in the exercise of reasonable care should  
12 have known to be untrue or misleading, as follows:

13 a.a Respondent Ozden Auto Repair's technician, Respondent Mustafa Ozden certified  
14 under penalty of perjury on Brake Certificate # [REDACTED] that the brake rotors on the Bureau's  
15 Acura were in a satisfactory condition. In fact, the left front and right rear brake rotors were  
16 undersized. In this condition, it could not legally pass a California Brake inspection.

17 b.a Respondent Ozden Auto Repair's technician, Respondent Mustafa Ozden certified  
18 under penalty of perjury on Lamp Certificate # [REDACTED] that the applicable adjustment had  
19 been performed on the lighting system on the Bureau's Acura. In fact, the right front headlight  
20 misadjusted down and out of specifications.

21 **SECOND CAUSE FOR DISCIPLINE**

22 **(Fraud)**

23 25.a Respondent Ozden Auto Repair's registration is subject to disciplinary action  
24 pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(4), in that Respondent Ozden Auto  
25 Repair committed acts constituting fraud, as follows:

26 a.a Respondent Ozden Auto Repair obtained payment from the operator for performing  
27 the applicable inspections, adjustments, or repairs of the brake and lighting systems on the  
28 Bureau's Acura as specified by the Bureau and in accordance with the Vehicle Code. In fact,

Respondent Ozden Auto Repair failed to perform the necessary inspections, adjustments, and repairs in compliance with Bureau Regulations or the Vehicle Code.

**THIRD CAUSE FOR DISCIPLINE**

**(Violations of Regulations)**

26.o Respondent Ozden Auto Repair's registration is subject to disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(6), in that Respondent Ozden Auto Repair failed to comply with provisions of California Code of Regulations, title 16, in the following material respects:

a. **Section 3305, subdivision (a):** Respondent Ozden Auto Repair failed to ensure that the inspection of the brake system and inspection and adjustment of the lighting system were performed on the Bureau's Acura in accordance with the specifications, instructions, and directives issued by the Bureau and the vehicle manufacturer.

b.o **Section 3353(a):** Respondent Ozden Auto Repair's estimate failed to list the individual costs of the brake and lamp inspections.

c. **Section 3356(a)(1):** Respondent Ozden Auto Repair's invoice failed to show the correct ARD registration number.

d.o **Section 3356(a)(2)(A):** Respondent Ozden Auto Repair's invoice failed to state separately the labor prices for the brake and lamp inspections.

e.o **Section 3356(a)(2)(B):** Respondent Ozden Auto Repair's invoice failed to list the Brake and Lamp Certificates that were issued. In addition, Respondent Ozden Auto Repair failed to state specifically what kind of certificate the \$8.25 charge was for.

f.o **Section 3356(a)(2)(C):** Respondent Ozden Auto Repair's invoice failed to list the subtotal for labor for the brake, lamp, and smog inspections.

g.o **Section 3373:** Respondent Ozden Auto Repair made false and misleading statements by issuing fraudulent Brake and Lamp Certificates of Compliance to the Bureau's Acura when the vehicle did not meet standards and/or specifications.

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1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Failure to Describe all Service Work Done and Parts Supplied on the Invoice)**

3 27.e Respondent Ozden Auto Repair's registration is subject to disciplinary action  
4 pursuant to Bus. & Prof. Code section 9884.8, in that Respondent Ozden Auto Repair failed to  
5 describe all service work done and parts supplied on the invoice, failed to separately state the  
6 price for service work on the invoice and failed to show the correct ARD registration number on  
7 the invoice as described above.

8 **FIFTH CAUSE FOR DISCIPLINE**

9 **(Failure to Provide the Customer with a Written Estimate for Parts and Labor)**

10 28.e Respondent Ozden Auto Repair's registration is subject to disciplinary action  
11 pursuant to Bus. & Prof. Code section 9884.9, subdivision (a), in that Respondent Ozden Auto  
12 Repair failed to provide a customer with a written estimate for parts and labor for a specific job.

13 **SIXTH CAUSE FOR DISCIPLINE**

14 **(Violations of Regulations)**

15 29.e Respondent Mustafa Ozden's brake and lamp station and adjuster licenses are subject  
16 to disciplinary action pursuant to Bus. & Prof. Code section 9889.3, subdivision (c), in that he  
17 failed to comply with the provisions of California Code of Regulations, title 16, sections 3305,  
18 subdivisions (a)(1)-(5) and 3373, in that the licenses were used to improperly perform Brake and  
19 Lamp Inspections and fraudulently issue Brake and Lamp Certifications of Compliance to the  
20 Bureau's Acura, as set forth above as set forth above.

21 **SEVENTH CAUSE FOR DISCIPLINE**

22 **(Failure to Perform Proper Brake and Lamp Inspections)**

23 30.e Respondent Mustafa Ozden's brake and lamp station and adjuster licenses are subject  
24 to disciplinary action pursuant to Bus. & Prof. Code section 9889.16, in that he used the licenses  
25 to improperly perform Brake and Lamp Inspections and fraudulently issue Brake and Lamp  
26 Certifications of Compliance to the Bureau's Acura, as set forth above as set forth above.

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**UNDERCOVER OPERATION #2: 2005 TOYOTA**

31.e On April 5, 2018, an undercover operator of the Bureau (operator) took the Bureau's 2005 Toyota (Toyota) to Respondent Ozden Auto Repair. The operator met with Richard Saechao and requested brake, lamp, and smog inspections on the vehicle. The Toyota had been documented to fail a California Brake inspection and a California Lamp inspection.

a.e The Toyota had machined right front and left rear brake rotors to undersized thickness. In this condition, it could not legally pass a California Brake inspection.

b.e The Toyota had the right front headlight misadjusted down and out of specifications. In this condition, it could not legally pass a California Lamp inspection.

c.e Richard Saechao prepared an estimate and asked the operator to sign it. The operator signed the estimate and received an unnumbered pink copy.

d.e The operator saw Richard Saechao perform a smog check inspection. After the smog inspection, an unidentified male employee performed the brake and lamp inspections. The operator observed the unidentified male employee check the Toyota's exterior lights by walking around the vehicle with the headlights and emergency flashers on. The unidentified male employee then raised the Toyota on a lift, checked the lug nut torque at all four wheels and inspected the undercarriage.

e.e After the inspections were complete Respondent Mustafa Ozden filled out and signed the brake and lamp certificates and the operator paid him \$160.00. Respondent Mustafa Ozden provided the operator with a yellow unnumbered invoice dated [REDACTED] a Smog Check Vehicle Inspection Report (VIR), a Certificate of Compliance-Brake Adjustment Certificate # [REDACTED] (Brake Certificate) and a Certificate of Compliance-Lamp Adjustment certificate # [REDACTED] (Lamp Certificate). The operator then left the facility.

32.e On April 9, 2018, the Bureau inspected the vehicle and found that the Toyota still failed the California Brake Inspection because of the undersized right front and left rear brake rotors. However, the tamper indicators on the headlight adjusting screws were broken and the headlight aim was in specification.

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1 **EIGHTH CAUSE FOR DISCIPLINE**

2 **(Untrue or Misleading Statements)**

3 33.e Respondent Ozden Auto Repair's registration is subject to disciplinary action  
4 pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(1), in that Respondent Ozden Auto  
5 Repair made or authorized statements which it knew or in the exercise of reasonable care should  
6 have known to be untrue or misleading, as follows:

7 a.e Respondent Ozden Auto Repair's technician, Respondent Mustafa Ozden certified  
8 under penalty of perjury on Brake Certificate # [REDACTED] that the brake rotors on the Bureau's  
9 Toyota were in a satisfactory condition. In fact, the right front and left rear brake rotors were  
10 undersized. In this condition, it could not legally pass a California Brake inspection.

11 b.e Respondent Ozden Auto Repair's technician, Respondent Mustafa Ozden certified  
12 under penalty of perjury on Brake Certificate # [REDACTED] that the applicable inspection,  
13 adjustment, or repair was performed as specified by the Bureau and vehicle manufacturer and in  
14 accordance with the California Code of Regulations, the Vehicle Code and the Business and  
15 Professions Code and that all statements made on the certificate are true and correct when in fact  
16 they were not as the inspection was performed by an unlicensed technician.

17 c.e Respondent Ozden Auto Repair's technician, Respondent Mustafa Ozden certified  
18 under penalty of perjury on Lamp Certificate # [REDACTED] that the applicable inspection,  
19 adjustment, or repair was performed as specified by the Bureau and vehicle manufacturer and in  
20 accordance with the California Code of Regulations, the Vehicle Code and the Business and  
21 Professions Code and that all statements made on the certificate are true and correct when in fact  
22 they were not as the inspection was performed by an unlicensed technician.

23 **NINTH CAUSE FOR DISCIPLINE**

24 **(Fraud)**

25 34.e Respondent Ozden Auto Repair's registration is subject to disciplinary action  
26 pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(4), in that Respondent Ozden Auto  
27 Repair committed acts constituting fraud, as follows:

28 ///

1 a. Respondent Ozden Auto Repair obtained payment from the operator for performinge  
2 the applicable inspections, adjustments, or repairs of the brake system on the Bureau's Toyota as  
3 specified by the Bureau and in accordance with the Vehicle Code. In fact, Respondent Ozden  
4 Auto Repair failed to perform the necessary inspections, adjustments, and repairs in compliance  
5 with Bureau Regulations or the Vehicle Code.

6 **TENTH CAUSE FOR DISCIPLINE**

7 **(Violations of Regulations)**

8 35.e Respondent Ozden Auto Repair's registration is subject to disciplinary actione  
9 pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(6), in that Respondent Ozden Auto  
10 Repair failed to comply with provisions of California Code of Regulations, title 16, in the  
11 following material respects:

12 a.e **Section 3305, subdivision (a):** Respondent Ozden Auto Repair failed to ensure thate  
13 the inspection of the brake system and inspection and adjustment of the lighting system were  
14 performed on the Bureau's Toyota in accordance with the specifications, instructions, and  
15 directives issued by the Bureau and the vehicle manufacturer.

16 b.e **Section 3353(a):** Respondent Ozden Auto Repair's estimate failed to list thee  
17 individual costs of the brake and lamp inspections.

18 c.e **Section 3356(a)(1):** Respondent Ozden Auto Repair's invoice failed to show thee  
19 correct ARD registration number.

20 d.e **Section 3356(a)(2)(A):** Respondent Ozden Auto Repair's invoice failed to statee  
21 separately the labor prices for the brake and lamp inspections.

22 e.e **Section 3356(a)(2)(B):** Respondent Ozden Auto Repair's invoice failed to list thee  
23 Brake and Lamp Certificates that were issued. In addition, Respondent Ozden Auto Repair failed  
24 to state specifically what kind of certificate the \$8.25 charge was for.

25 f.e **Section 3356(a)(2)(C):** Respondent Ozden Auto Repair's invoice failed to list thee  
26 subtotal for labor for the brake, lamp, and smog inspections.

27 g.e **Section 3373:** Respondent Ozden Auto Repair made false and misleading statementsse  
28 by issuing fraudulent Brake and Lamp Certificates of Compliance to the Bureau's Toyota when

1 the vehicle did not meet standards and/or specifications and the inspections were performed by an  
2 unlicensed technician.

3 **ELEVENTH CAUSE FOR DISCIPLINE**

4 **(Failure to Describe all Service Work Done and Parts Supplied on the Invoice)**

5 36.e Respondent Ozden Auto Repair's registration is subject to disciplinary action  
6e pursuant to Bus. & Prof. Code section 9884.8, in that Respondent Ozden Auto Repair failed to  
7e describe all service work done and parts supplied on the invoice, failed to separately state the  
8e price for service work on the invoice and failed to show the correct ARD registration number on  
9e the invoice as described above.

10 **TWELFTH CAUSE FOR DISCIPLINE**

11 **(Failure to Provide the Customer with a Written Estimate for Parts and Labor)**

12 37.e Respondent Ozden Auto Repair's registration is subject to disciplinary action  
13 pursuant to Bus. & Prof. Code section 9884.9, subdivision (a), in that Respondent Ozden Auto  
14 Repair failed to provide a customer with a written estimate for parts and labor for a specific job.

15 **THIRTEENTH CAUSE FOR DISCIPLINE**

16 **(Aiding and Abetting an Unlicensed Person)**

17 38.e Respondent Ozden Auto Repair's registration is subject to disciplinary action  
18 pursuant to Bus. & Prof. Code section 9889.3, subdivision (f), in that Respondent Ozden Auto  
19 Repair allowed an unlicensed person to perform brake and lamp inspections for purposes of  
20 issuing Brake and Lamp Certificates of Compliance.

21 **FOURTEENTH CAUSE FOR DISCIPLINE**

22 **(Violations of Regulations)**

23 39.e Respondent Mustafa Ozden's brake and lamp station and adjuster licenses are subject  
24 to disciplinary action pursuant to Bus. & Prof. Code section 9889.3, subdivision (c), in that he  
25 failed to comply with the provisions of California Code of Regulations, title 16, sections 3305,  
26 subdivisions (a)(1)-(5) and 3373, in that the licenses were used to improperly perform Brake and  
27 Lamp Inspections and fraudulently issue Brake and Lamp Certifications of Compliance to the  
28 Bureau's Toyota, as set forth above as set forth above.

1 **FIFTEENTH CAUSE FOR DISCIPLINE**

2 **(Failure to Perform Proper Brake and Lamp Inspections)**

3 40.o Respondent Mustafa Ozden's brake and lamp station and adjuster licenses are subject  
4 to disciplinary action pursuant to Bus. & Prof. Code section 9889.16, in that he used the licenses  
5 to improperly perform Brake and Lamp Inspections and fraudulently issue Brake and Lamp  
6 Certifications of Compliance to the Bureau's Toyota, as set forth above as set forth above.

7 **SIXTEENTH CAUSE FOR DISCIPLINE**

8 **(Aiding and Abetting an Unlicensed Person)**

9 41.o Respondent Mustafa Ozden's brake and lamp station and adjuster licenses are subject  
10 to disciplinary action pursuant to Bus. & Prof. Code section 9889.3, subdivision (f), in that he  
11 allowed an unlicensed person to perform brake and lamp inspections for purposes of issuing  
12 Brake and Lamp Certificates of Compliance.

13  
14 **UNDERCOVER OPERATION #3: 2002 HONDA**

15 42.o On October 24, 2018, an undercover operator of the Bureau (operator) took the  
16 Bureau's 2002 Honda (Honda) to Respondent Ozden Auto Repair. The operator met with  
17 Richard Saechao and requested brake, lamp, and smog inspections on the vehicle. The Honda  
18 had been documented to fail a California Brake inspection and a California Lamp inspection.

19 a.o The Honda had machined left front and right rear brake rotors to undersized  
20 thickness. In this condition, it could not legally pass a California Brake inspection.

21 b. The Honda had both front headlights misadjusted down and out of specifications. In  
22 this condition, it could not legally pass a California Lamp inspection.

23 c. Richard Saechao prepared an estimate and asked the operator to sign it. The operator  
24 signed the estimate and received an unnumbered pink copy.

25 d.o The operator saw Richard Saechao perform a smog check inspection. After the smog  
26 inspection, an unidentified male employee performed the brake and lamp inspections. The  
27 operator observed the unidentified male employee connect a headlight aimer and adjust the  
28 headlights.

1 e. After the inspections were complete Respondent Mustafa Ozden filled out and signed  
2 the brake and lamp certificates and the operator paid him \$160.00. Respondent Mustafa Ozden  
3 provided the operator with a yellow unnumbered invoice dated [REDACTED] a Smog Check  
4 Vehicle Inspection Report (VIR), a Certificate of Compliance-Brake Adjustment Certificate  
5 # [REDACTED] (Brake Certificate) and a Certificate of Compliance-Lamp Adjustment certificate  
6 # [REDACTED] (Lamp Certificate). The operator then left the facility.

7 43.e On November 9 and 16, 2018, the Bureau inspected the vehicle and found that the  
8 Honda still failed the California Brake Inspection because of the undersized left front brake and  
9 right rear brake rotors. The tamper indicators installed on the headlight adjusters were broken  
10 and the headlights had been adjusted, but were still out of specifications. The Honda still failed  
11 the California Lamp Inspection because of the misadjusted front headlights.

## 12 **SEVENTEENTH CAUSE FOR DISCIPLINE**

### 13 **(Untrue or Misleading Statements)**

14 44.e Respondent Ozden Auto Repair's registration is subject to disciplinary action  
15 pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(1), in that Respondent Ozden Auto  
16 Repair made or authorized statements which it knew or in the exercise of reasonable care should  
17 have known to be untrue or misleading, as follows:

18 a.e Respondent Ozden Auto Repair's technician, Respondent Mustafa Ozden certified  
19 under penalty of perjury on Brake Certificate # [REDACTED] that the brake rotors on the Bureau's  
20 Honda were in a satisfactory condition. In fact, the left front and right rear brake rotors were  
21 undersized. In this condition, it could not legally pass a California Brake inspection.

22 b.e Respondent Ozden Auto Repair's technician, Respondent Mustafa Ozden certified  
23 under penalty of perjury on Brake Certificate # [REDACTED] that the applicable inspection,  
24 adjustment, or repair was performed as specified by the Bureau and vehicle manufacturer and in  
25 accordance with the California Code of Regulations, the Vehicle Code and the Business and  
26 Professions Code and that all statements made on the certificate are true and correct when in fact  
27 they were not as the inspection was performed by an unlicensed technician.

28 c. Respondent Ozden Auto Repair's technician, Respondent Mustafa Ozden certified

1 under penalty of perjury on Lamp Certificate # [REDACTED] that the applicable adjustment had  
2 been performed on the lighting system on the Bureau's Honda. In fact, the both headlights were  
3e misadjusted down and out of specifications.

4e d.e Respondent Ozden Auto Repair's technician, Respondent Mustafa Ozden certifie  
5e under penalty of perjury on Lamp Certificate # [REDACTED] that the applicable inspection,  
6 adjustment, or repair was performed as specified by the Bureau and vehicle manufacturer and in  
7 accordance with the California Code of Regulations, the Vehicle Code and the Business and  
8 Professions Code and that all statements made on the certificate are true and correct when in fact  
9 they were not as the inspection was performed by an unlicensed technician.

#### 10 **EIGHTEENTH CAUSE FOR DISCIPLINE**

##### 11 **(Fraud)**

12 45.e Respondent Ozden Auto Repair's registration is subject to disciplinary actione  
13 pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(4), in that Respondent Ozden Auto  
14 Repair committed acts constituting fraud, as follows:

15 a.e Respondent Ozden Auto Repair obtained payment from the operator for performinge  
16 the applicable inspections, adjustments, or repairs of the brake system on the Bureau's Honda as  
17 specified by the Bureau and in accordance with the Vehicle Code. In fact, Respondent Ozden  
18 Auto Repair failed to perform the necessary inspections, adjustments, and repairs in compliance  
19 with Bureau Regulations or the Vehicle Code.

#### 20 **NINETEENTH CAUSE FOR DISCIPLINE**

##### 21 **(Violations of Regulations)**

22 46.e Respondent Ozden Auto Repair's registration is subject to disciplinary actione  
23 pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(6), in that Respondent Ozden Auto  
24 Repair failed to comply with provisions of California Code of Regulations, title 16, in the  
25 following material respects:

26 a. **Section 3305, subdivision (a):** Respondent Ozden Auto Repair failed to ensure that  
27 the inspection of the brake system and inspection and adjustment of the lighting system were  
28

1 performed on the Bureau's Honda in accordance with the specifications, instructions, and  
2 directives issued by the Bureau and the vehicle manufacturer.

3 b. **Section 3353(a):** Respondent Ozden Auto Repair's estimate failed to list three  
4 individual costs of the brake and lamp inspections.

5 c. **Section 3356(a)(1):** Respondent Ozden Auto Repair's invoice failed to show three  
6 correct ARD registration number.

7 d. **Section 3356(a)(2)(A):** Respondent Ozden Auto Repair's invoice failed to state  
8 separately the labor prices for the brake and lamp inspections.

9 e.e **Section 3356(a)(2)(B):** Respondent Ozden Auto Repair's invoice failed to list three  
10 Brake and Lamp Certificates that were issued. In addition, Respondent Ozden Auto Repair failed  
11 to state specifically what kind of certificate the \$8.25 charge was for.

12 f.e **Section 3356(a)(2)(C):** Respondent Ozden Auto Repair's invoice failed to list three  
13 subtotal for labor for the brake, lamp, and smog inspections.

14 g.e **Section 3373:** Respondent Ozden Auto Repair made false and misleading statements  
15 by issuing fraudulent Brake and Lamp Certificates of Compliance to the Bureau's Honda when  
16 the vehicle did not meet standards and/or specifications and the inspections were performed by an  
17 unlicensed technician.

## 18 **TWENTIETH CAUSE FOR DISCIPLINE**

### 19 **(Failure to Describe all Service Work Done and Parts Supplied on the Invoice)**

20 47.e Respondent Ozden Auto Repair's registration is subject to disciplinary action  
21 pursuant to Bus. & Prof. Code section 9884.8, in that Respondent Ozden Auto Repair failed to  
22 describe all service work done and parts supplied on the invoice, failed to separately state the  
23 price for service work on the invoice and failed to show the correct ARD registration number on  
24 the invoice as described above.

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1 **TWENTY-FIRST CAUSE FOR DISCIPLINE**

2 **(Failure to Provide the Customer with a Written Estimate for Parts and Labor)**

3 48.o Respondent Ozden Auto Repair's registration is subject to disciplinary action  
4 pursuant to Bus. & Prof. Code section 9884.9, subdivision (a), in that Respondent Ozden Auto  
5 Repair failed to provide a customer with a written estimate for parts and labor for a specific job.

6 **TWENTY-SECOND CAUSE FOR DISCIPLINE**

7 **(Aiding and Abetting an Unlicensed Person)**

8 49.o Respondent Ozden Auto Repair's registration is subject to disciplinary action  
9 pursuant to Bus. & Prof. Code section 9889.3, subdivision (f), in that Respondent Ozden Auto  
10 Repair allowed an unlicensed person to perform brake and lamp inspections for purposes of  
11 issuing Brake and Lamp Certificates of Compliance.

12 **TWENTY-THIRD CAUSE FOR DISCIPLINE**

13 **(Violations of Regulations)**

14 50.o Respondent Mustafa Ozden's brake and lamp station and adjuster licenses are subject  
15 to disciplinary action pursuant to Bus. & Prof. Code section 9889.3, subdivision (c), in that he  
16 failed to comply with the provisions of California Code of Regulations, title 16, sections 3305,  
17 subdivisions (a)(1)-(5) and 3373, in that the licenses were used to improperly perform Brake and  
18 Lamp Inspections and fraudulently issue Brake and Lamp Certifications of Compliance to the  
19 Bureau's Accord, as set forth above as set forth above.

20 **TWENTY-FOURTH CAUSE FOR DISCIPLINE**

21 **(Failure to Perform Proper Brake and Lamp Inspections)**

22 51.o Respondent Mustafa Ozden's brake and lamp station and adjuster licenses are subject  
23 to disciplinary action pursuant to Bus. & Prof. Code section 9889.16, in that he used the licenses  
24 to improperly perform Brake and Lamp Inspections and fraudulently issue Brake and Lamp  
25 Certifications of Compliance to the Bureau's Honda, as set forth above as set forth above.

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1 **TWENTY-FIFTH CAUSE FOR DISCIPLINE**

2 **(Aiding and Abetting an Unlicensed Person)**

3 52.s Respondent Mustafa Ozden's brake and lamp station and adjuster licenses are subjects  
4 to disciplinary action pursuant to Bus. & Prof. Code section 9889.3, subdivision (f), in that he  
5 allowed an unlicensed person to perform brake and lamp inspections for purposes of issuing  
6 Brake and Lamp Certificates of Compliance.

7 **DISCIPLINE CONSIDERATIONS**

8 53.s To determine the degree of discipline, if any, to be imposed on Respondent Mustafas  
9 Ozden, Complainant alleges as follows:

10 54.s On or about January 4, 2006, a decision in the matter of Accusation 77/05-53, was  
11 adopted and became effective February 8, 2006. The Accusation alleged Respondent Mustafa  
12 Ozden aided and abetted an unlicensed person to fraudulently issue three brake certificates and  
13 three lamp certificates under Respondent Mustafa Ozden's Brake and Lamp Adjuster licenses.  
14 The Decision revoked Respondent Mustafa Ozden's Brake and Lamp Adjuster Licenses as well  
15 as his Advanced Emission Specialist Technician license. However, the revocation of the  
16 Advanced Emission Specialist Technician license was stayed and placed on three years'  
17 probation. That decision is now final and is incorporated by reference as if fully set forth.

18 55.s On or about June 10, 2009, Respondent Mustafa Ozden was issued Citation #M09-  
19 1401 for issuing a Smog Certificate of Compliance to a Bureau undercover vehicle with a missing  
20 fuel evaporative canister. That citation is now final and is incorporated by reference as if fully set  
21 forth.

22 56.s On or about November 24, 2009, Respondent Mustafa Ozden was issued Citations  
23 #M2010-0509 for issuing a Smog Certificate of Compliance to a Bureau undercover vehicle with  
24 the ignition timing adjusted beyond specification. That citation is now final and is incorporated  
25 by reference as if fully set forth.

26 **OTHER MATTERS**

27 57.s Pursuant to Code section 9884.7(c), the director may suspend, revoke, or place on  
28 probation the registrations for all places of business operated in this state by Respondent Ozden

1 Auto Repair, upon a finding that he has, or is, engaged in a course of repeated and willful  
2 violation of the laws and regulations pertaining to an automotive repair dealer.

3 58.e Pursuant to Health and Safety Code section 44072.8, if Smog Check Statione  
4 License Number RC 258691, issued to Respondent Ozden Auto Repair, is revoked or suspended,  
5 any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety  
6 Code in the name of said licensee may be likewise revoked or suspended by the director.

7 59.e Pursuant to Code section 9889.9, if Brake Station License Number BS 258691,e  
8 Class C, issued to Respondent Ozden Auto Repair, is revoked or suspended, any additional  
9 license issued under Articles 5 and 6 of Chapter 20.3 of Division 3 of the Code in the name of  
10 said licensee may be likewise revoked or suspended by the Director.

11 60.e Pursuant to Code section 9889.9, if Lamp Station License Number LS 258691,e  
12 Class A, issued to Respondent Ozden Auto Repair, is revoked or suspended, any additional  
13 license issued under Articles 5 and 6 of Chapter 20.3 of Division 3 of the Code in the name of  
14 said licensee may be likewise revoked or suspended by the Director.

15 61.e Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector  
16 License Number EO 134514, and Smog Check Repair Technician License Number EI 134514,  
17 issued to Respondent Mustafa Ozden, are revoked or suspended, any additional license issued  
18 under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of said  
19 licensee may be likewise revoked or suspended by the director.

20 62.e Pursuant to Code section 9889.9, if Brake Adjuster License Number BA 134514,e  
21 Class C, issued to Respondent Mustafa Ozden, is revoked or suspended, any additional license  
22 issued under Articles 5 and 6 of Chapter 20.3 of Division 3 of the Code in the name of said  
23 licensee may be likewise revoked or suspended by the Director.

24 63.e Pursuant to Code section 9889.9, if Lamp Adjuster License Number LA 134514,e  
25 Class A, issued to Respondent Mustafa Ozden, is revoked or suspended, any additional license  
26 issued under Articles 5 and 6 of Chapter 20.3 of Division 3 of the Code in the name of said  
27 licensee may be likewise revoked or suspended by the Director.

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**PRAYER**

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

1.s Revoking or suspending Automotive Repair Dealer Registration Number ARDs 258691, issued to Respondent Ozden Auto Repair;

2. Revoking, suspending, or placing on probation any other automotive repair dealers registration issued to Respondent Ozden Auto Repair;

3.s Revoking or suspending Smog Check Station License Number RC 258691, issued to Respondent Ozden Auto Repair;

4.s Revoking or suspending Lamp Station License Number LS 258691, class A, issued to Respondent Ozden Auto Repair;

5.s Revoking or suspending Brake Station License Number BS 258691, class C, issued to Respondent Ozden Auto Repair;

6.s Revoking, suspending, or placing on probation any additional license issued under Chapter 5 of the Health and Safety Code in the name of Ozden Auto Repair;

7.s Revoking, suspending, or placing on probation any additional license issued under Articles 5 and 6 of Chapter 20.3 of Division 3 of the Code in the name of Ozden Auto Repair;

8. Revoking or suspending Smog Check Inspector License Number EO 134514, and Smog Check Repair Technician License Number EI 134514, issued to Respondent Mustafa Ozden;

9. Revoking or suspending Brake Adjuster License Number BA 134514, class C, issued to Respondent Mustafa Ozden;

10.s Revoking or suspending Lamp Adjuster License Number LA 134514, class A, issued to Respondent Mustafa Ozden;

11.s Revoking, suspending, or placing on probation any additional license issued under Articles 5 and 6 of Chapter 20.3 of Division 3 of the Code in the name of Mustafa Ozden;

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1           12. Ordering Respondents to pay the Bureau of Automotive Repair the reasonable costs  
2 of the investigation and enforcement of this case, pursuant to Business and Professions Code  
3 section 125.3; and,

4           13. Taking such other and further action as deemed necessary and proper.  
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6  
7 DATED:

May 13, 2019



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

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