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

11 In the Matter of the Accusation Against:

Case No. *79/116-90*

12 **VASILE AUTO, INC. dba PURRFECT**
13 **AUTO SERVICE #272; SAMI SALVEEN**
14 **PRANEEL, PRESIDENT/**
15 **SECRETARY/TREASURER**
16 1950 E. Route 66
Glendora, CA 91740

ACCUSATION

smog check

17 **Automotive Repair Dealer Registration**
18 **No. ARD 267896**
Smog Check Station License No. RC 267896

19 Respondent.

20
21 Complainant alleges:

22 **PARTIES**

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

25 2. On or about February 7, 2012, the Bureau of Automotive Repair issued Automotive
26 Repair Dealer Registration Number ARD 267896 to Vasile Auto, Inc. dba Purrfect Auto Service
27 #272; Sami Salveen Praneel, president, secretary and treasurer. The Automotive Repair Dealer
28 Registration expired on February 29, 2016, and has not been renewed.

1 8. Code section 9884.7, subdivision (c), states, in pertinent part, that the Director may
2 suspend, revoke, or place on probation the registration for all places of business operated in this
3 state by an automotive repair dealer upon a finding that the automotive repair dealer has, or is,
4 engaged in a course of repeated and willful violations of the laws and regulations pertaining to an
5 automotive repair dealer.

6 9. Code section 9884.9, subdivision (a), states, in pertinent part:

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

23 10. Health & Saf. Code section 44072.2, subdivision (d) provides the director may
24 suspend, revoke, or take other disciplinary action against a smog station license if the licensee
25 “[c]ommits any act involving dishonesty, fraud, or deceit whereby another is injured.”

26 11. California Code of Regulations, title 16, section 3353, states, in pertinent part:

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

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

...

(c) Additional Authorization. Except as provided in subsection (f), the
dealer shall obtain the customer's authorization before any additional work not
estimated is done or parts not estimated are supplied. This authorization shall be in
written, oral, or electronic form, and shall describe the additional repairs, parts, labor
and the total additional cost.

1 (1) If the authorization from the customer for additional repairs, parts, or
2 labor in excess of the written estimated price is obtained orally, the dealer shall also
3 make a notation on the work order and on the invoice of the date, time, name of the
4 person authorizing the additional repairs, and the telephone number called, if any,
5 together with the specification of the additional repairs, parts, labor and the total
6 additional cost.

7

8 **COST RECOVERY**

9 12. Code section 125.3 provides, in pertinent part, that a Board may request the
10 administrative law judge to direct a licentiate 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.

13 **UNDERCOVER OPERATION #1: 1992 BUICK**

14 13. In February and March of 2015, a Bureau program representative working in one of
15 the Bureau's Forensic Documentation Laboratories inspected, tested and documented the
16 condition of the ignition system, fuel system and engine management system on a 1992 Buick used
17 by the Bureau for undercover operations. The Bureau program representative documented the
18 components of each of those systems were functioning properly and without need for replacement
19 or repair. Thereafter, the Bureau program representative intentionally damaged the cylinder
20 number 3 spark plug, which created an ignition system misfire that caused the engine to run rough
21 and demonstrate a loss of power on acceleration. After introducing the defect, the program
22 representative tested and documented that the only repair necessary to correct the problem was to
23 replace the number three cylinder spark plug.

24 14. On April 8, 2015, while the vehicle was still in the documented condition described, a
25 Bureau undercover operator took it to Respondent's facility and asked for a diagnosis as to why
26 the engine was running rough. Respondent's employee, an individual identified as "Mike,"
27 informed the operator that he would have a technician examine the vehicle and diagnose the
28 problem. Mike later falsely stated to the operator that the vehicle required a tune up, new spark
plug wires, new spark plugs and new coil packs for a total cost of \$581.15. The operator agreed
to have all of the recommended repairs performed and picked up the vehicle from Respondent's
facility the following day after paying Respondent the full amount of \$581.15. When picking up

1 the vehicle, Respondent asked for and received the old parts ignition coils and spark plug wires
2 that had been replaced.

3 15. Thereafter, on April 9, 2015 and April 17, 2015, the same Bureau program
4 representative who documented the vehicle prior to the undercover operation re-inspected the
5 vehicle and tested the replaced ignition coils and spark plug wires. During his re-inspection of the
6 vehicle, the program representative again confirmed that the replaced ignition coils and spark plug
7 wires remained in good condition and did not need to be replaced, and that the only repair
8 necessary to resolve the engine issues was replacement of the number three cylinder spark plug.
9 Accordingly, based on the dollar valued listed on Respondent's invoice, Respondent fraudulently
10 charged the operator \$371.14 for parts and labor that were not needed.

11 **UNDERCOVER OPERATION #2: 1996 CHEVROLET**

12 16. Beginning in April 2015, a Bureau program representative working in one of the
13 Bureau's Forensic Documentation Laboratories inspected, tested and documented the condition of
14 the ignition system, fuel system and engine management system on a 1996 Chevrolet used by the
15 Bureau for undercover operations. The Bureau program representative documented the
16 components of each of those systems were functioning properly and without need for replacement
17 or repair. Thereafter, the Bureau program representative intentionally damaged the cylinder
18 number 3 spark plug, which created an ignition system misfire that caused the engine to run rough
19 and demonstrate a loss of power on acceleration. The defect also caused the vehicle's "check
20 engine" light to become illuminated. After introducing the defect, the program representative
21 tested and documented that the only repair necessary to correct the problem was to replace the
22 number three cylinder spark plug. There were no signs of any oil leaks or other issues with the
23 vehicle.

24 17. On August 5, 2015, while the vehicle was still in the documented condition described,
25 a Bureau undercover operator took it to Respondent's facility and asked for a diagnosis as to why
26 the engine was running rough and the check engine light was illuminated. Respondent's employee,
27 an individual identified as "Alex," informed the operator that he would have a technician examine
28 the vehicle and diagnose the problem. Another employee, identified as "Guerrero" prepared an

1 estimate, which the operator signed. The operator was not given a copy of the estimate. Alex
2 later misrepresented that vehicle's valve cover gaskets were leaking oil and that the vehicle needed
3 a good tune up at a total cost of \$690.00. Alex further represented that he believed the vehicle
4 might also need a new injector pack. Alex stated that if a new injector pack was required, the total
5 cost for parts and labor would increase to \$1,500.00. Alex called the operator later that day and
6 falsely stated that a new injector was needed. The operator agreed to have all of the recommended
7 the repairs performed and picked up the vehicle from Respondent's facility the following day after
8 paying Respondent the full amount of \$1,500.00 Respondent failed to note on the operator's oral
9 authorization for additional work on the work order, and no estimate/work order was ever
10 provided to the operator as required by state law.

11 18. Thereafter, between August 6, 2015, and August 20, 2015, the same Bureau
12 program representative who documented the vehicle prior to the undercover operation re-
13 inspected the vehicle and again confirmed that the only repair that had been necessary to resolve
14 the engine issues was replacement of the number three cylinder spark plug. Accordingly, based on
15 the dollar valued listed on Respondent's invoice, Respondent fraudulently charged the operator
16 \$1,169.69 for parts and labor that were not needed. Specifically, the program representative found
17 that Respondent: charged the operator for replacement of eight (8) spark plugs, when only six (6)
18 were provided; unnecessarily replaced the distributor cap, ignition rotor, secondary wires and fuel
19 filter; unnecessarily replaced the fuel injector spider system, and unnecessarily replaced the
20 engine's valve cover gaskets.

21 **FIRST CAUSE FOR DISCIPLINE**

22 **(Untrue or Misleading Statements)**

23 19. Respondent's Automotive Repair Dealer Registration is subject to disciplinary action
24 pursuant to Code section 9884.7, subdivision (a)(1), in that Respondent and/or Respondent's
25 employee made or authorized statements which they knew or in the exercise of reasonable care
26 should have known were untrue or misleading. Complainant refers to, and by this reference
27 incorporates, the allegations contained in paragraphs 13 through 18, inclusive, as though set forth
28 fully herein.

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Fraud)**

3 20. Respondent's Automotive Repair Dealer Registration is subject to disciplinary action
4 pursuant to Code section 9884.7, subdivision (a)(4), in that Respondent and/or Respondent's
5 employee engaged in conduct that constitutes fraud. Complainant refers to, and by this reference
6 incorporates, the allegations contained in paragraphs 13 through 18, inclusive, as though set forth
7 fully herein.

8 **THIRD CAUSE FOR DISCIPLINE**

9 **(Failure to Give Customer Copy of Signed Document)**

10 21. Respondent's Automotive Repair Dealer Registration is subject to disciplinary
11 action pursuant to Code section 9884.7, subdivision (a)(3), in that Respondent failed to give to a
12 customer a copy of a document requiring the customer's signature as soon as the customer signed
13 the document. Complainant refers to, and by this reference incorporates, the allegations contained
14 in paragraph 17, inclusive, as though set forth fully herein.

15 **FOURTH CAUSE FOR DISCIPLINE**

16 **(Violation of Automotive Repair Act Provisions and Regulations)**

17 22. Respondent's Automotive Repair Dealer Registration is subject to disciplinary action
18 pursuant to Code section 9884.7, subdivision (a)(6), in that Respondent failed to comply with the
19 requirement of Code section 9884.9, subdivision (a), and California Code of Regulations, title 16,
20 section 3353, subdivisions (a) and (c). Complainant refers to, and by this reference incorporates,
21 the allegations contained in paragraph 17, inclusive, as though set forth fully herein.

22 **FIFTH CAUSE FOR DISCIPLINE**

23 **(Act of Dishonesty/Fraud/Deceit)**

24 23. Respondent's Smog Check Station License is subject to disciplinary action pursuant to
25 Code section 9884.7, subdivision (a)(4), in that Respondent and/or Respondent's employee
26 committed acts involving dishonesty, fraud, or deceit whereby another was injured. Complainant
27 refers to, and by this reference incorporates, the allegations contained in paragraphs 13 through
28 18, inclusive, as though set forth fully herein.

1 PRAYER

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

4 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
5 267896, issued to Vasile Auto Inc. dba Purrfect Auto Service #272, Sami Salveen Praneel,
6 president, secretary and treasurer;

7 2. Revoking or suspending Smog Check Station License Number RC 267896, issued to
8 Vasile Auto Inc. dba Purrfect Auto Service #272, Sami Salveen Praneel, president, secretary and
9 treasurer;

10 3. Ordering Vasile Auto Inc. dba Purrfect Auto Service #272, Sami Salveen Praneel,
11 president, secretary and treasurer, to pay the Bureau of Automotive Repair the reasonable costs of
12 the investigation and enforcement of this case, pursuant to Business and Professions Code section
13 125.3;

14 4. Taking such other and further action as deemed necessary and proper.

15
16
17 DATED: 3/18/16

PATRICK DORAIS by Doug Balatti
18 PATRICK DORAIS
19 Chief
20 Bureau of Automotive Repair
21 Department of Consumer Affairs
22 State of California
23 Complainant

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