

1 XAVIER BECERRA
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 GILLIAN E. FRIEDMAN
Deputy Attorney General
4 State Bar No. 169207
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6294
6 Facsimile: (213) 897-2804
Attorneys for Complainant
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8 **BEFORE THE**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **FOR THE BUREAU OF AUTOMOTIVE REPAIR**
11 **STATE OF CALIFORNIA**

12
13 In the Matter of the Accusation Against:
14 **BERNARDO H. SORIA-OWNER DBA**
15 **EDS GARAGE**
15514 S Atlantic Ave
Compton, CA 90221

Case No. 77/17-20691

A C C U S A T I O N

16 **Automotive Repair Dealer Registration No.**
ARD 267967
17 **Smog Check Station License No. RC 267967**
18 **Lamp Station License No. LS 267967,**
Class A
19 **Brake Station License No. BS 267967**
Class A

20 **BERNARDO H. SORIA**
21 **9833 Alexander Ave**
South Gate, CA 90280

22 **Smog Check Repair Technician License No.**
EI634942
23 **Smog Check Inspector License No.**
E0634942
24 **Brake Adjuster License No. BA634942,**
Class A
25 **Lamp Adjuster License No. LA634942,**
Class A
26

27 Respondents.
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1 Complainant alleges:

2 **PARTIES**

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

5 **Bernardo H. Soria dba Eds Garage**

6 **Automotive Repair Dealer Registration**

7 2. On or about February 14, 2012, the Bureau issued Automotive Repair Dealer
8 Registration Number ARD 267967 (Registration) to Bernardo H. Soria dba Eds Garage
9 (Respondent Eds Garage). The Automotive Repair Dealer Registration was in full force and
10 effect at all times relevant to the charges brought herein and will expire on February 28, 2019,
11 unless renewed.

12 **Smog Check Station License**

13 3.a On or about February 2, 2015, the Bureau issued Eds Garage Smog Check Stationa
14 License Number RC 267967 (Station License) to Respondent Eds Garage. The Smog Check
15 Station License was in full force and effect at all times relevant to the charges brought herein and
16 will expire on February 28, 2019, unless renewed.

17 **STAR Station Certification**

18 4.a On or about May 15, 2015, The Bureau certified Eds Garage as a STAR Station. Thea
19 certification will remain active unless the Automotive Repair Dealer registration and/or Smog
20 Check Station license is revoked, canceled, licenses become delinquent or certification is
21 invalidated.

22 **Brake Station License**

23 5.a On or about February 1, 2018, the Bureau issued Brake Station License Number BSa
24 BS267967, Class A (Brake Station License) to Respondent Eds Garage. The Brake Station
25 License was in full force and effect at all times relevant to the charges brought herein and will
26 expire on February 28, 2019, unless renewed.

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1 **Lamp Station License**

2 6.e On or about February 17, 2015, the Bureau issued Lamp Station License Number LSe
3 267967, Class A (Lamp Station License) to Respondent Eds Garage. The Lamp Station License
4 was in full force and effect at all times relevant to the charges brought herein and will expire on
5 February 28, 2019, unless renewed.

6 **Bernardo H. Soria**

7 **Smog Check Repair Technician/ Smog Check Inspector License**

8 7.e On November 7, 2012, the Bureau issued Advanced Emission Specialist Technician
9 License Number EA634942 to Bernardo Soria ("Respondent Soria"). Respondent Soria's
10 Advanced Emission Specialist Technician License was due to expire on October 31, 2014,
11 however, was cancelled on July 3, 2014. However, pursuant to California Code of Regulations,
12 title 16, section 3340.28, subdivision (e)¹, the license was renewed, pursuant to Respondent
13 Soria's election, as Smog Check Inspector License Number EO 634942 (Smog Check Inspector
14 License) and Smog Check Repair Technician License Number EI 634942 (Repair Technician
15 License), effective July 3, 2014. The Repair Technician License was in full force and effect at all
16 times relevant to the charges brought herein and expired on October 31, 2018. The Smog Check
17 Inspector License was in full force and effect at all times relevant to the charges brought herein
18 and will expire on October 31, 2020, unless renewed.

19 **Brake Adjuster**

20 8.e On or about December 22, 2014, the Bureau issued Brake Adjuster License Number
21 BA 634942, Class A (Brake Adjuster License) to Respondent Soria. The Brake Adjuster License
22 was in full force and effect at all times relevant to the charges brought herein and will expire on
23 October 31, 2021, unless renewed.

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27 ¹ 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**

2 9.o On or about December 11, 2014, the Bureau issued Lamp License Number LAo
3 LA634942, Class A (Lamp Adjuster License) to Respondent Soria. The Lamp Adjuster License
4 was in full force and effect at all times relevant to the charges brought herein. The Lamp
5 Adjuster License expired on October 31, 2018, and was cancelled on December 2, 2018.

6 **JURISDICTION**

7 10.o Business and Professions Code ("Code") section 9884.7 provides that the directoro
8 may revoke an automotive repair dealer registration.

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

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

16 13.o Section 44072.2 of the Health and Safety Code states:o

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

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

21 14.o Section 44072.6 of the Health and Safety Code provides, in pertinent part, that the o
22 expiration or suspension of a license by operation of law, or by order or decision of the
23 Director of Consumer Affairs, or a court of law, or the voluntary surrender of the license shall not
24 deprive the Director of jurisdiction to proceed with disciplinary action.

25 15.o Section 44072.8 of the Health and Safety Code states:o

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

16.e California Code of Regulations, title 16, section 3340.28(e), states that "[u]pon renewal of an unexpired Basic Area Technician license or an Advanced Emission Specialist Technician license issued prior the effective date of this regulation, the licensee may apply to renew as a Smog Check Inspector, Smog Check Repair Technician, or both."

STATUTORY PROVISIONS

17.e Section 9884.7 of the Code states:e

"(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.”

18.e Section 9884.9 of the Code states:e

"(a) The automotive repair dealer shall give to the customer a written estimated price for 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. Written consent or authorization for an increase in the original estimated price may be provided by electronic mail or facsimile transmission from the customer. The bureau may specify in

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

6 19.e Section 9889.3 of the Code states:e

7 “The director may suspend, revoke, or take other disciplinary action against a license as
8 provided in this article [Article 7 (commencing with section 9889.1) of Chapter 20.3 of Division
9 3 of the Business and Professions Code] if the licensee or any partner, officer, or director thereof:

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

12

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

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

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

19 20.e Section 9889.16 of the Code states:e

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

27 21.e Section 9889.22 of the Code states:e

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1 “The willful making of any false statement or entry with regard to a material matter in any
2 oath, affidavit, certificate of compliance or noncompliance, or application form which is required
3 by this chapter or Chapter 5 (commencing with Section 44000) of Part 5 of Division 26 of the
4 Health and Safety Code constitutes perjury and is punishable as provided in the Penal Code.”

5 **REGULATORY PROVISIONS**

6 22.e California Code of Regulations, title 16, section 3305 states, in pertinent part:e

7 “(a) Performance Standards. All adjusting, inspecting, servicing, and repairing of brake
8 systems and lamp systems shall be performed in official stations in accordance with current
9 standards, specifications, instructions, and directives issued by the bureau and by the
10 manufacturer of the device or vehicle.”

11 23.e California Code of Regulations, title 16, section 3316 states, in pertinent part:e

12 “(d)(2) Inspection of the Entire Lighting System. “Where all of the lamps, lighting
13 equipment, and related electrical systems on a vehicle have been inspected and found in
14 compliance with all requirements of the Vehicle Code and bureau regulations, the certificate shall
15 certify that the entire system meets all such those requirements.”

16 24.e California Code of Regulations, title 16, section 3321 states, in pertinent part:e

17 “(c)(2) Inspection of the Entire Brake System. “Where the entire brake system on
18 any vehicle has been inspected or tested and found in compliance with all requirements of
19 the Vehicle Code and bureau regulations, and the vehicle has been road-tested, the
20 certificate shall certify that the entire system meets all such requirements.”

21 25.e California Code of Regulations, title 16, section 3356, states:e

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

24 (1)“The invoice shall show the automotive repair dealer’s registration number and thee
25 corresponding business name and address as shown in the Bureau’s records. If the automotive
26 repair dealer’s telephone number is shown, it shall comply with the requirements of subsection (b)
27 of Section 3371 of this chapter.”

28 26.e California Code of Regulations, title 16, section 3373, states:e

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

6 **COST RECOVERY**

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

13 **UNDERCOVER OPERATION NO. 1: 2006 TOYOTA TACOMA**

14 28.e On February 13, 2018, an undercover operator of the Bureau (operator) took thee
15 Bureau's 2006 Toyota Tacoma (2006 Tacoma), vehicle to Respondent Eds Garage's facility and
16 requested brake, lamp and smog inspections. The vehicle defects included a brake system with
17 the right front rotor and the left rear brake drum machined out of specification. The vehicle's
18 lamp system was documented with the right headlight vertical aim out of adjustment and
19 defective license plate light bulbs.

20 29.e At 1050 hours, the operator arrived at Respondent Eds Garage's facility. The operator
21 informed the adjuster at Respondent Ed's Garage that he needed brake, lamp and smog
22 inspections. The operator received a copy of the written estimate from Respondent Eds Garage
23 before work began.

24 30.e After approximately 20-25 minutes, the adjuster advised that the inspections weree
25 completed and requested a \$100 payment for the service. The operator then received a final
26 invoice, a Vehicle Inspection Report, Brake Certificate number [REDACTED] and Lamp
27 Certificate number [REDACTED]
28

31.e On March 8, 2018, a Bureau representative re-inspected the vehicle and found that the left rear brake drum and the right front brake rotor were still out of specification and in need of replacement. The Bureau representative also found that right headlight remained out of adjustment and the license plate lights were not functioning. In its condition, the 2006 Tacoma should not have been issued either the Brake Certificate or the Lamp Certificate.

FIRST CAUSE FOR DISCIPLINE

(Untrue and Misleading Statement)

32.e Respondent Eds Garage's registration is subject to discipline under Code section 9884.7, subdivision (a)(1) and California Code of Regulation, title 16, section 3373, in that on or about February 13, 2018, regarding the 2006 Tacoma vehicle, Respondent Eds Garage made or authorized statements, which it knew or in the exercise of reasonable care should have known to be untrue or misleading, as follows:

a.e Respondent Eds Garage certified under penalty of perjury on Certificate of Compliance-Brake Adjustment Number [REDACTED] that the applicable inspection was performed on the brake system when, in fact, Respondent Eds Garage's adjuster failed to inspect the brake system on the vehicle, as evidenced by his failure to remove the rear wheels on the 2006 Tacoma vehicle. Moreover, the left rear brake drum and the right front brake rotor were still out of specification and in need of replacement.

b.e Respondent Eds Garage certified under penalty of perjury on Certificate of Compliance-Brake Adjustment Number [REDACTED] that the parking brake, lining and shoes, drums/rotors and antilock brake system were in satisfactory condition.

c.e Respondent Eds Garage certified under penalty of perjury on Certificate of e Compliance-Lamp Adjustment Number [REDACTED] that the applicable adjustment had been performed on the lamp system when, in fact, the right headlight remained out of adjustment and the license plate lights were not functioning.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Fraud)**

3 33.e Respondent Eds Garage's registration is subject to discipline pursuant to Code section
4 9884.7, subdivision (a)(4), in that on or about February 13, 2018, regarding the 2006 Tacoma
5 vehicle, Respondent Eds Garage committed acts that constitute fraud, as follows:

6 a.e Respondent Eds Garage obtained payment from the operator for performing thee
7 applicable inspections and adjustments on the vehicle's brake and lamp systems as specified by
8 the Bureau and in accordance with the Vehicle Code when, in fact, Respondent Eds Garage
9 Service failed to perform the necessary inspections.

10 **THIRD CAUSE FOR DISCIPLINE**

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

12 34.e Respondent Eds Garage's registration and Soria's brake adjuster license and lampe
13 adjuster license are subject to discipline pursuant to Code section, subdivision 9884.7(a)(6), and
14 9889.3(a) in that on or about February 13, 2018, regarding the 2006 Tacoma vehicle, Respondent
15 Eds Garage failed to comply with provisions of that Code in the following material respects:

16 a.e **Section 9889.16:**

17 i. Respondents issued Certificate of Compliance-Brake Adjustment Number [REDACTED]
[REDACTED] for the vehicle, when the vehicle was not in compliance with Bureau regulations or the
19 requirements of the Vehicle Code, in that the right front brake rotor and left rear brake drum were
20 out of specification.

21 ii.e Respondents issued Certificate of Compliance-Lamp Adjustment Number [REDACTED]
[REDACTED] for the vehicle, when the vehicle was not in compliance with Bureau regulations or the
23 requirements of the Vehicle Code, in that the right headlight was out of adjustment and there were
24 defective license plate light bulbs.

25 **FOURTH CAUSE FOR DISCIPLINE**

26 **(Failure to Comply with Regulations)**

27 35.e Respondent Eds Garage's registration, brake and lamp station and Respondent Soria's
28 brake adjuster license and lamp adjuster license are subject to discipline pursuant to Code section

1 9884.7, subdivision (a)(6), and 9889.3(c), in that on or about February 13, 2018, regarding the
2 2006 Tacoma vehicle, Respondents failed to comply with provisions of California Code of
3 Regulations, title 16, in the following material respects:

4 a. **Section 3305, subdivision (a):** Respondents failed to perform a brake inspectione
5 in accordance with the vehicle's manufacturer standards and/or current standards, specifications,
6 recommended procedures, and/or directives issued by the Bureau.

7 b.e **Section 3321, subdivision (c)(2):** Respondents issued Certificate of Compliance-
8 Brake Adjustment Number [REDACTED] certifying that the vehicle's brake system had been
9 inspected and was in satisfactory condition when, in fact, it was not.

10 c.e **Section 3316, subdivision (d)(2):** Respondents issued Certificate of Compliance-
11 Lamp Certificate number [REDACTED] certifying that the vehicle's lighting system had been
12 inspected in accordance with the Vehicle Code and Bureau requirements and was in satisfactory
13 condition when, in fact, it was not.

14 **FIFTH CAUSE FOR DISCIPLINE**

15 **(Acts of Dishonesty/Fraud/Deceit)**

16 36.e Respondent Eds Garage brake and lamp station licenses and Respondent Soria's
17 brake adjuster and lamp adjuster licenses are subject to discipline pursuant to Code section
18 9889.3, subdivision (d), in conjunction with Code section 9889.22, in that Respondents
19 committed acts involving dishonesty, fraud or deceit whereby another was injured with respect to
20 the brake and lamp inspections that were purportedly performed and certificates of
21 compliance/adjustment were issued on February 13, 2018 where certificates should not have
22 issued. Complainant refers to, and by this reference incorporates, the allegations contained in
23 paragraph 28-31, inclusive, as though set forth fully herein.

24 **SIXTH CAUSE FOR DISCIPLINE**

25 **(Perjury)**

26 37. Respondent Eds Garage brake and lamp station licenses and Respondent Soria's
27 brake adjuster and lamp adjuster licenses are subject to discipline pursuant to Code section
28 9889.22 in that on or about February 13, 2018, regarding the 2006 Tacoma vehicle, Respondent

1 Eds Garage willfully made a false statement or entry with regard to a material matter in the
2 certificate of compliance as more particularly set forth above in paragraphs 28- 31.

3 **UNDERCOVER OPERATION NO. 2: 1999 Toyota Sienna**

4 38.e On February 21, 2018, an undercover operator of the Bureau ("operator") took the
5 Bureau's 1999 Toyota Sienna (1999 Sienna) vehicle to Respondent Eds Garage's facility and
6 requested brake, lamp and smog inspections. The vehicle defects included the left front brake
7 rotor and right rear brake drum out of specification. The vehicle's lamp system was documented
8 with the left headlight mis-aimed.

9 39.e At 1034 hours, the operator arrived at Respondent Eds Garage. Upon his arrival, the
10 operator requested that a brake, lamp, and smog inspection be performed on the vehicle. The
11 operator signed a work order and received a copy of the written estimate.

12 40.e After the work was performed, the operator paid the requested sum of \$60.00 to
13 Respondent Eds Garage. The operator received an invoice, Certificate of Compliance-Brake
14 Certificate number [REDACTED] Certificate of Compliance-Lamp Certificate number [REDACTED]

15 [REDACTED] No smog check was performed and no reason was stated why the smog check had not
16 been performed.

17 41.e A Bureau representative re-inspected the vehicle and found that Respondent failed to
18 remove the wheels on the 1999 Toyota Sienna vehicle and that the left front brake rotor and right
19 rear brake drum were still beyond specifications. The Bureau representative also found that the
20 left headlamp was out of manufacturer's specification and that no adjustment was performed.

21 **SEVENTH CAUSE FOR DISCIPLINE**

22 **(Untrue and Misleading Statement)**

23 42.e Respondent Eds Garage's registration is subject to discipline under Code section
24 9884.7, subdivision (a)(1) and California Code of Regulation, title 16, section 3373, in that on or
25 about February 21, 2018, regarding the 1999 Toyota Sienna vehicle, Respondent Eds Garage
26 made or authorized statements which it knew or in the exercise of reasonable care should have
27 known to be untrue or misleading, as follows:

1 a. Respondent Eds Garage certified under penalty of perjury on Certificate of
2 Compliance-Brake Certificate number [REDACTED] that the applicable inspection was performed
3 on the brake system when, in fact, Respondent Eds Garage's adjuster, failed to inspect the brake
4 system on the vehicle, as evidenced by his failure to remove the wheels on the 1999 Toyota
5 Sienna vehicle.

6 b.e Respondent Eds Garage certified under penalty of perjury on Certificate of
7 Compliance-Brake Certificate number [REDACTED] that the parking brake, lining and shoes and
8 drums/rotors were within manufacturer's specification.

9 c.e Respondent Eds Garage certified under penalty of perjury on Certificate of
10 Compliance-Lamp Certificate number [REDACTED] that the applicable adjustment had been
11 performed on the lamp system when, in fact, the left headlamp was out of manufacturer's
12 specification and that no adjustment was performed.

13 **EIGHTH CAUSE FOR DISCIPLINE**

14 **(Fraud)**

15 43.e Respondent Eds Garage's registration is subject to discipline pursuant to Code section
16 9884.7, subdivision (a)(4), in that on or about February 21, 2018, regarding the 1999 Toyota
17 Sienna vehicle, Respondent Eds Garage committed acts that constitute fraud, as follows:

18 a.e Respondent Eds Garage obtained payment from the operator for performing the
19 applicable inspections and adjustments on the vehicle's brake and lamp systems as specified by
20 the Bureau and in accordance with the Vehicle Code when, in fact, Respondent Eds Garage
21 Service failed to perform the necessary inspections.

22 **NINTH CAUSE FOR DISCIPLINE**

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

24 44.e Respondent Eds Garage's brake and lamp station licenses and Respondent Soria's
25 brake adjuster and lamp adjuster licenses are subject to discipline pursuant to Code section,
26 subdivision 9884.7(a)(6), and 9889.3(a), in that on or about February 21, 2018, regarding the
27 1999 Toyota Sienna vehicle, Respondents failed to comply with provisions of that Code in the
28 following material respects:

1 a.e Section 9889.16:

2 i. Respondents issued Certificate of Compliance-Brake Certificate number [REDACTED]
3 [REDACTED] for the vehicle, when the vehicle was not in compliance with Bureau regulations or the
4 requirements of the Vehicle Code, in that the left front brake rotor and right rear brake drum were
5 out of specification.

6 ii.e Respondents issued Certificate of Compliance-Lamp Certificate number [REDACTED]
7 [REDACTED] for the vehicle, when the vehicle was not in compliance with Bureau regulations or the
8 requirements of the Vehicle Code, in that the left headlamp was out of manufacturer's
9 specification and no adjustment was performed.

10 TENTH CAUSE FOR DISCIPLINE

11 (Failure to Comply with Regulations)

12 45.e Respondent Eds Garage's brake and lamp station licenses and Respondent Soria's
13 brake adjuster and lamp adjuster licenses are subject to discipline pursuant to Code section
14 9884.7, subdivision (a)(6), and 9889.3(c), in that on or about February 21, 2018, regarding the
15 1999 Toyota Sienna vehicle, Respondent Eds Garage failed to comply with provisions of
16 California Code of Regulations, title 16, in the following material respects:

17 a.e Section 3305, subdivision (a): Respondent Eds Garage failed to perform a brake
18 inspection in accordance with the vehicle's manufacturer standards and/or current standards,
19 specifications, recommended procedures, and/or directives issued by the Bureau.

20 b.e Section 3321, subdivision (c)(2): Respondent Eds Garage issued Certificate of
21 Compliance-Brake Certificate number [REDACTED] certifying that the vehicle's brake system had
22 been inspected and was in satisfactory condition when, in fact, it was not.

23 ELEVENTH CAUSE FOR DISCIPLINE

24 (Acts of Dishonesty/Fraud/Deceit)

25 46.e Respondent Eds Garage's brake and lamp station licenses and Respondent Soria's
26 brake adjuster and lamp adjuster licenses are subject to discipline pursuant to Code section
27 9889.3, subdivision (d), in conjunction with Code section 9889.22, in that Respondents
28 committed acts involving dishonesty, fraud or deceit whereby another was injured with respect to

1 the brake and lamp inspections that were purportedly performed and certificates of
2 compliance/adjustment were issued on February 21, 2018 where certificates should not have
3 issued. Complainant refers to, and by this reference incorporates, the allegations contained in
4 paragraph 38-41, inclusive, as though set forth fully herein.

5 **TWELFTH CAUSE OF DISCIPLINE**

6 **(Perjury)**

7 47. Respondent Eds Garage brake and lamp station licenses and Respondent Soria's
8 brake adjuster and lamp adjuster licenses are subject to discipline pursuant to Code section
9 9889.22 in that on or about February 21, 2018, regarding the 1999 Toyota Sienna vehicle,
10 Respondents willfully made a false statement or entry with regard to a material matter in the
11 certificate of compliance as more particularly set forth above in paragraphs 38-41.

12 **OTHER MATTERS**

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

17 49.e Pursuant to Health and Safety Code section 44072.8, if Smog Check Station Licensee
18 Number RC 267967, issued to Bernardo H. Soria-Owner, is revoked or suspended, any additional
19 license issued under this Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the
20 name of said licensee may be likewise revoked or suspended by the director.

21 50.e Pursuant to Code section 9889.9, if Lamp Station License Number LS267967, Classe
22 A issued to Bernardo H. Soria-Owner, is revoked or suspended, any additional license issued
23 under Articles 5 and 6 of Chapter 20.3 of the Business and Professions Code in the name of said
24 licensees may be likewise revoked or suspended by the director.

25 51.e Pursuant to Code section 9889.9, if Brake Station License Number BS267967, Classe
26 A issued to Bernardo H. Soria-Owner, is revoked or suspended, any additional license issued
27 under Articles 5 and 6 of Chapter 20.3 of the Business and Professions Code in the name of said
28 licensees may be likewise revoked or suspended by the director.

52.e Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspectore License No. EO 634942 and Smog Check Repair Technician License Number EI 634942 (formerly Advanced Emission Specialist Technician License Number EA 634942), issued to Bernardo H. Soria, are revoked or suspended, any additional license issued under Chapter 5 of Part 5 of Division 26 of the Health and Safety Code in the name of said licensee may be likewise revoked or suspended by the director.

53.e Pursuant to Code section 9889.9, if Brake Adjuster License Number BA634942,e Class A, issued to Bernardo H. Soria, is revoked or suspended, any additional license issued under Articles 5 and 6 of Chapter 20.3 of the Business and Professions Code in the name of said licensee may be likewise revoked or suspended by the director.

54.e Pursuant to Code section 9889.9, if Lamp Adjuster License Number LA634942, Class A, issued to Bernardo H. Soria, is revoked or suspended, any additional license issued under Articles 5 and 6 of Chapter 20.3 of the Business and Professions Code in the name of said licensee may be likewise revoked or suspended by the director.

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.e Revoking or suspending Automotive Repair Dealer Registration Number ARDe
267967, issued to Bernardo H. Soria-Owner dba Eds Garage;

2. Revoking, suspending, or placing on probation any other automotive repair dealer's registration issued to Bernardo H. Soria;

3.e Revoking or suspending Smog Check Station License Number RC 267967, issued to
Bernardo H. Soria-Owner dba Eds Garage;

4.e Revoking or suspending Brake Station License Number BS 267967, Class A, issued to Bernardo H. Soria-Owner dba Eds Garage;

5.e Revoking or suspending Lamp Station License Number LS 267967, Class A, issued to Bernardo H. Soria-Owner dba Eds Garage;

1 6. Revoking or suspending any additional license issued under Chapter 5 of Part 5 of
2 Division 26 of the Health and Safety Code in the name of Bernardo H. Soria;

3 7. Revoking or suspending Smog Check Inspector License Number EO 634942
4 (formerly Advanced Emission Specialist Technician License Number EA 634942), issued to
5 Bernardo H. Soria;

6 8. Revoking or suspending Smog Check Repair Technician License Number EI 634942
7 (formerly Advanced Emission Specialist Technician License Number EA 634942), issued to
8 Bernardo H. Soria;

9 9. Revoking or suspending Brake Adjuster License Number BA 634942, Class A, issued
10 to Bernardo H. Soria;

11 10. Revoking or suspending Lamp Adjuster License Number LA 634942, Class A, issued
12 to Bernardo H. Soria;

13 11. Ordering Bernardo H. Soria-Owner dba Eds Garage and Bernardo H. Soria to pay the
14 Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this
15 case, pursuant to Business and Professions Code section 125.3;

16 12. Revoking or suspending any additional license issued under Articles 5 and 6 of
17 Chapter 20.3 of the Code in the name of Bernardo H. Soria; and

18 13. Taking such other and further action as deemed necessary and proper.
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21 DATED: January 24, 2019



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

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