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

12 In the Matter of the Petition to Revoke
13 Probation Against:

Case No. 77/25-11567

14 **MONTEREY AUTO SERVICE INC., DBA**
15 **YOUNGS AUTOMOTIVE INC.**
16 **MICHAEL JOHN TELLEZ, PRESIDENT**
17 **JOSE LUIS TELLEZ,**
18 **SECRETARY/TREASURER**
19 1117 F Street
20 Los Banos, CA 93635

PETITION TO REVOKE PROBATION

21 **Automotive Repair Dealer Registration No.**
22 **ARD 283219**
23 **Smog Check Station License No. RC 283219**
24 **Vehicle Safety Systems Station License No.**
25 **VS 283219**

Respondent.

26 **PARTIES**

27 1. Patrick Dorais (Complainant) brings this Petition to Revoke Probation solely in his
28 official capacity as the Chief of the Bureau of Automotive Repair (Bureau), Department of
Consumer Affairs.

Automotive Repair Dealer Registration

2. On or about April 5, 2016, the Bureau issued Automotive Repair Dealer Registration
Number ARD 283219 to Monterey Auto Service, Inc., doing business as Youngs Automotive Inc.

1 with Michael John Tellez as president, Jose Luis Tellez as secretary/treasurer (Respondent). The
2 Automotive Repair Dealer Registration was in full force and effect at all times relevant to the
3 charges brought herein and will expire on April 30, 2026, unless renewed.

4 **Smog Check Station License**

5 3. On or about April 27, 2016, the Bureau issued Smog Check Station License Number
6 RC 283219 to Respondent. The Smog Check Station License was in full force and effect at all
7 times relevant to the charges brought herein and will expire on April 30, 2026, unless renewed.

8 4. On or about May 3, 2016, Respondent's facility was certified by the Bureau of
9 Automotive Repair as a STAR station. The certification will remain active unless the ARD
10 registration and/or Smog Check Station License is revoked, cancelled, licenses become
11 delinquent, or certification is suspended.

12 **Vehicle Safety Systems Station License**

13 5. On or about October 8, 2024, the Bureau issued Vehicle Safety Systems Station
14 License Number VS 283219 to Respondent. The Vehicle Safety Systems Station License was in
15 full force and effect at all times relevant to the charges brought herein and will expire on April 30,
16 2026, unless renewed.

17 **DISCIPLINARY HISTORY**

18 6. In a disciplinary action entitled *In the Matter of the Accusation Against: Monterey*
19 *Auto Service, Inc. dba Youngs Automotive Inc. Michael John Tellez, President; Jose Luis Tellez,*
20 *Secretary & Treasurer*, Case No. 77/21-4475, the Board issued a Decision, effective May 18,
21 2023, in which Respondent's Automotive Repair Dealer Registration, Smog Test and Repair
22 Station License, Lamp Station License, and Brake Station License were revoked. However, the
23 revocation was stayed, and Respondent's registration, smog test and repair station license, brake
24 adjuster license, and lamp adjuster license were placed on probation for a period of three years
25 with certain terms and conditions.

26 **JURISDICTION**

27 7. This Petition to Revoke Probation is brought before the Director of the Department of
28 Consumer Affairs (Director) for the Bureau, under Probation Terms and Conditions 1 and 7.

8. Probation Condition 1 – Obey all Laws, states: “During the period of probation, Respondents shall comply with all federal and state statutes, regulations and rules governing all BAR registrations and licenses held by Respondents”.

9. Probation Condition 7 – Violation of Probation, states: “If Respondents violate or fail to comply with the terms and conditions of probation in any respect, the Director, after giving notice and opportunity to be heard may set aside the stay order and carry out the disciplinary order provided in the decision. Once Respondents are served notice of BAR’s intent to set aside the stay, the Director shall maintain jurisdiction, and the period of probation shall be extended until final resolution of the matter”.

10. On or about August 22, 2023, March 7, 2024, and September 3, 2024, the Bureau provided Probation Conference Reports to Respondent, notifying Respondent that it is required to comply with all federal and state statutes, regulations, and rules governing all Bureau registrations and licenses held by Respondent.

11. Grounds exist to revoke Respondent’s probation under the authority of Condition 7 of the Decision and Order in that Respondent did not comply with the terms and conditions of its probation, as set forth below.

STATUTORY PROVISIONS

12. Code section 9884.7 states, in pertinent part:

(a) The director, if 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 that constitutes fraud.

...

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

(7) Any willful departure from or disregard of accepted trade standards for good and workmanlike repair in any material respect, which is prejudicial to another without consent of the owner or the owner's duly authorized representative.

...

13. Code section 9884.9 states:

(a) The automotive repair dealer shall give to the customer a written estimated price for labor and parts necessary for a specific job, except as provided in subdivision (e). 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, or the posted price specified in subdivision (e), without the oral or written consent of the customer that shall be obtained at some time after it is determined that the estimated or posted price is insufficient and before the work not estimated or posted is done or the parts not estimated or posted are supplied. Written consent or authorization for an increase in the original estimated or posted price may be provided by electronic mail or facsimile transmission from the customer. The bureau may specify in regulation the procedures to be followed by an automotive repair dealer if an authorization or consent for an

increase in the original estimated price is provided by electronic mail or facsimile transmission. If that consent is oral, the dealer shall make a notation on the work order of the date, time, name of person authorizing the additional repairs, and telephone number called, if any, together with a specification of the additional parts and labor and the total additional cost, and shall do either of the following:

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

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

"I acknowledge notice and oral approval of an increase in the original estimated price.	
_____	_____
_____	(signature or initials)"

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

...

14. Code section 9884.13 provides, in pertinent part, that the expiration of a valid registration shall not deprive the director or chief of jurisdiction to proceed with a disciplinary proceeding against an automotive repair dealer or to render a decision invalidating a registration temporarily or permanently.

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1 **REGULATORY PROVISIONS**

2 15. California Code of Regulations, title 16 (CCR), section 3354, states:

3 (a) Exceeding Original Estimate. Except as provided in subsection (c), before
4 any additional diagnosis or repair is commenced, and before any additional charges
5 accrue for labor or parts in excess of the original estimated and authorized price, the
6 automotive repair dealer shall:

7 ...

8 (2) obtain customer authorization and record the authorization as specified in
9 sections 3353.1 and 3356 of this Article and section 9884.9 of the Business and
10 Professions Code.

11 ...

12 16. CCR section 3366, states:

13 (a) Except as provided in subsection (b) of this section, any automotive repair
14 dealer that advertises or performs, directly or through a sublet contractor, automotive
15 air conditioning work and uses the words service, inspection, diagnosis, top off,
16 performance check or any expression or term of like meaning in any form of
17 advertising or on a written estimate or invoice shall include and perform all of the
18 following procedures as part of that air conditioning work:

19 ...

20 (15) High and low side system operating pressures, as applicable, have been
21 measured and recorded on the final invoice; and,

22 ...

23 **UNDERCOVER OPERATION**

24 17. On or about July 16, 2025, Bureau representative R.J. documented an operative A/C
25 system and the proper amount of refrigerant for the Bureau's 1997 Chevrolet. R.J. then
26 introduced a condition to the vehicle's A/C system. R.J. disabled the A/C compressor by cutting
27 the wire at the diode, which opened the circuit to ground. The introduced condition prevented the
28 A/C compressor clutch from engaging and operating. The only repairs that the vehicle needed to
restore proper operation of the vehicle's A/C system was to repair the open ground circuit at the
diode.

18 18. That same day, a Bureau undercover operator (operator) took the 1997 Chevrolet to
19 Respondent's facility and requested that the vehicle's air conditioning system be checked because
20 it was not working and was blowing warm air through the front vents. The employee informed
21 the operator he would need to come back later to speak with the owner.

1 19. The operator returned to Respondent's facility and spoke to an employee who
2 identified himself as Michael. The operator told Michael that he needed the vehicle's air
3 conditioning system checked because it was not working and was blowing warm air through the
4 front vents. Michael told the operator he would charge \$150.00 plus the cost of freon to check
5 the vehicle. Michael handed the operator an estimate in the amount of \$220.25 for the air
6 conditioning diagnosis check.

7 20. On or about July 17, 2025, the operator contacted Respondent for an update on the
8 vehicle. Michael informed the operator that he had not had a chance to check the vehicle and that
9 he would check the vehicle the following day and contact the operator.

10 21. On or about July 18, 2025, the operator contacted Respondent for an update on the
11 vehicle. Michael informed the operator that they had fixed the vehicle and that it was ready for
12 pickup. Michael stated that they had found an open ground wire to the A/C compressor and fixed
13 it. Michael also stated that they had added two pounds of freon. Michael stated the total amount
14 due was \$370.25. Respondent had not obtained authorization from the operator to move forward
15 with the repair.

16 22. On or about July 18, 2025, the operator returned to Respondent's facility to retrieve
17 the 1997 Chevrolet. The operator paid Michael \$370.25 and Michael provided the operator with
18 an invoice and told the operator the vehicle was fixed.

19 23. Bureau representative R.J. subsequently re-inspected the 1997 Chevrolet. R.J.
20 performed an A/C system leak inspection, and no leaks were found. The vehicle was road tested,
21 and the A/C system was found to operate normally. R.J. observed that the high-side service port
22 cap tamper indicator was missing, and the low-side service port cap tamper indicator was broken.
23 This indicated that the A/C system had been accessed. R.J. also observed that the vehicle's open
24 ground wire was repaired as invoiced. However, the diode had been eliminated from the
25 vehicle's A/C compressor clutch coil circuitry, which was not a necessary repair. R.J. used the
26 Bureau's A/C machine to recover 2.019 lbs of refrigerant, indicating that the vehicle had no
27 refrigerant leaks. Respondent had charged the operator for 2.00 lbs of refrigerant, which had not
28 been needed to fix the inoperative A/C system caused by the open ground circuit near the A/C

1 system diode. R.J. noted that the elimination of the diode left the Vehicle Control Module
2 unprotected from voltage spikes caused by the collapsing electromagnetic field of the A/C
3 compressor clutch coil.

4 **FIRST CAUSE TO REVOKE PROBATION**

5 **(False or Misleading Statements)**

6 24. Respondent's probation is subject to revocation for failing to comply with Probation
7 Condition No. 1, failure to obey all laws, as follows: Respondent violated Code section 9884.7,
8 subdivision (a)(1), in that, regarding the 1997 Chevrolet, Respondent made or authorized
9 statements which it knew or in the exercise of reasonable care should have known to be untrue or
10 misleading. Specifically, Respondent had unnecessarily charged the operator for 2.00 lbs. of
11 refrigerant that the vehicle did not need, as set forth above in paragraphs 18-23.

12 **SECOND CAUSE TO REVOKE PROBATION**

13 **(Fraud)**

14 25. Respondent's probation is subject to revocation for failing to comply with Probation
15 Condition No. 1, failure to obey all laws, as follows: Respondent violated Code section 9884.7,
16 subdivision (a)(4), in that Respondent fraudulently accepted funds for the unnecessary 2.00 lbs. of
17 refrigerant that the vehicle did not need, as set forth in paragraphs 18-23, above.

18 **THIRD CAUSE TO REVOKE PROBATION**

19 **(Willful Departure from or Disregard of Accepted Trade Standards)**

20 26. Respondent's probation is subject to revocation for failing to comply with Probation
21 Condition No. 1, failure to obey all laws, as follows: Respondent violated Code section 9884.7,
22 subdivision (a)(7), in conjunction with CCR section 3366, subdivision (a)(15), in that it willfully
23 departed from or disregarded accepted trade standards for good and workmanlike repair regarding
24 the 1997 Chevrolet by not recording the high and low operating pressures on the final invoice as
25 set forth in paragraph 23, above.

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

DATED: As of Digital Signature Date__

Dorais,
Patrick@DCA

Digitally signed by Dorais,
Patrick@DCA
Date: 2026.03.06 16:44:39
-08'00'

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

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