XAVIER BECERRA
Attorney General of California
KAREN R. DENVIR
Supervising Deputy Attorney General
SETH A. CURTIS
Deputy Attorney General
State Bar No. 236263
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550
Telephone: (916) 210-6121
Facsimile: (916) 324-5567
Attorneys for Complainant

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

In the Matter of the Accusation Against**:** **AUTO WORLD AUTO SERVICE, LLC** **DBA AUTO WORLD AUTO SERVICE** **RAVI INDERJIT SINGH, MEMBER** 1312 La Loma Ave. Modesto, CA 95354 **Automotive Repair Dealer Registration No. 294745** **Smog Check Station License No. RC 294745** Respondent.	Case No. 77/20-11295 **ACCUSATION**

PARTIES

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

2. On or about July 2, 2019, the Bureau of Automotive Repair (Bureau) issued Automotive Repair Dealer Registration Number ARD 294745 (registration) to Auto World Auto Service, LLC doing business as Auto World Auto Service (Respondent) with Ravi Inderjit Singh

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as a member. The registration was in full force and effect at all times relevant to the charges brought herein and will expire on July 31, 2021, unless renewed.

3. On or about July 15, 2019, the Bureau issued Smog Check Station License Number RC 294745 to Respondent. The Smog Check Station License was in full force and effect at all times relevant to the charges brought herein and will expire on July 31, 2021, unless renewed.

JURISDICTION

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

5. Code section 118, subdivision (b) provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Director of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

6. Code section 9884.7 provides that the Director may revoke an automotive repair dealer registration.

7. 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.

8. Code Section 477 provides, in pertinent part, that "Board" includes "bureau," "commission," "committee," "department," "division," "examining committee," "program," and "agency." "License" includes certificate, registration or other means to engage in a business or profession regulated by the Code.

9. Health and Safety Code section 44002 provides, in pertinent part, that the Director has all the powers and authority granted under the Automotive Repair Act for enforcing the Motor Vehicle Inspection Program.

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10. Health and Safety Code section 44072.6 states, "[t]he expiration or suspension of a license by operation of law or by order or decision of the director or a court of law, or the voluntary surrender of a license by a licensee shall not deprive the director of jurisdiction to proceed with any investigation of, or action or disciplinary proceedings against, the licensee, or to render a decision suspending or revoking the license."

11. Health and Safety Code section 44072.8 states, "[w]hen a license has been revoked or suspended following a hearing under this article, any additional license issued under this chapter in the name of the licensee may be likewise revoked or suspended by the director."

STATUTORY PROVISIONS

12. Code section 9884.7 states, in pertinent part:

> (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.
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> (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.
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> . . .
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> (4) Any other conduct which constitutes fraud.
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> (5) Conduct constituting gross negligence.
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> (6) Failure in any material respect to comply with the provisions of this chapter or regulations adopted pursuant to it.
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> (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 his or her duly authorized representative.
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> . . .
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> (b) Except as provided for in subdivision (c), if an automotive repair dealer operates more than one place of business in this state, the director pursuant to subdivision (a) shall only suspend, revoke, or place on probation the registration of the specific place of business which has violated any of the provisions of this chapter. This violation, or action by the director, shall not affect in any manner the right of the automotive repair dealer to operate his or her other places of business.
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> (c) Notwithstanding subdivision (b), the director may suspend, revoke, or place on probation the registration for all places of business operated in this state by an

automotive repair dealer upon a finding that the automotive repair dealer has, or is, engaged in a course of repeated and willful violations of this chapter, or regulations adopted pursuant to it.

13. Code section 9884.9 states, in pertinent part:

(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 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.

(b) The automotive repair dealer shall include with the written estimated price a statement of any automotive repair service that, if required to be done, will be done by someone other than the dealer or his or her employees. No service shall be done by other than the dealer or his or her employees without the consent of the customer, unless the customer cannot reasonably be notified. The dealer shall be responsible, in any case, for any service in the same manner as if the dealer or his or her employees had done the service.

(c) In addition to subdivisions (a) and (b), an automotive repair dealer, when doing auto body or collision repairs, shall provide an itemized written estimate for all parts and labor to the customer. The estimate shall describe labor and parts separately and shall identify each part, indicating whether the replacement part is new, used, rebuilt, or reconditioned. Each crash part shall be identified on the written estimate and the written estimate shall indicate whether the crash part is an original equipment

manufacturer crash part or a nonoriginal equipment manufacturer aftermarket crash part.

(d) A customer may designate another person to authorize work or parts supplied in excess of the estimated price, if the designation is made in writing at the time that the initial authorization to proceed is signed by the customer. The bureau may specify in regulation the form and content of a designation and the procedures to be followed by the automotive repair dealer in recording the designation. For the purposes of this section, a designee shall not be the automotive repair dealer providing repair services or an insurer involved in a claim that includes the motor vehicle being repaired, or an employee or agent or a person acting on behalf of the dealer or insurer. . . .

14. Code section 9889.9 states that [w]hen any license has been revoked or suspended following a hearing under the provisions of this article [Article 7 (commencing with section 9889.1) of the Automotive Repair Act], any additional license issued under Articles 5 and 6 of this chapter in the name of the licensee may be likewise revoked or suspended by the director.

15. Health and Safety Code section 44072.2 provides, in pertinent part:

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

(a) Violates any section of this chapter [the Motor Vehicle Inspection Program (Health and Saf. Code § 44000, et seq.)] and the regulations adopted pursuant to it, which related to the licensed activities.

. . . .

(c) Violates any of the regulations adopted by the director pursuant to this chapter.

. . .

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

REGULATORY PROVISIONS

16. California Code of Regulations, title 16, (CCR) section 3353 states, in pertinent part:

An estimate shall be provided to and authorized by the customer before any work commences. The estimate shall meet the requirements of Business and Professions Code section 9884.9 as well as the following:

(a) Estimate for Parts and Labor. Every automotive repair dealer shall give to each customer an estimate containing the estimated price for parts and labor for a specific job prior to obtaining authorization. Each part listed in the estimate shall be new unless specifically identified as a used, rebuilt, or reconditioned part. . . .

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17. CCR, section 3353.1 states, in pertinent part:

(a) No diagnosis or repair, including no-charge and warranty repairs, shall commence and no charges shall accrue without specific authorization from the customer. Any estimate or revised work order provided to the customer shall be authorized by the customer or the customer's designee in written, oral, or electronic form.

. . .

(c) If the customer provides an oral authorization, the automotive repair dealer shall record the authorization by documenting on the estimate the date, time, name of the person authorizing the repairs, and the telephone number called, if any, or produce this information on documents relating to the authorization that supplement the estimate. . . .

18. CCR, section 3354 states, in pertinent part:

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

(1) give the customer an estimate that describes all additional parts and labor, provides the cost of all additional parts and labor, and provides a total revised cost; and

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

19. Regulation 3356 states, in pertinent part:

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

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

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

(1) All services and repairs performed, including any diagnosis or warranty repairs, and the prices for each.

. . .

(e) If additional authorization was obtained per section 3354(a), and the authorization was made orally or electronically, the automotive repair dealer shall record the oral or electronic authorization on the invoice.

(1) The invoice shall include the following additional information:

(A) The date and time of the additional authorization;

(B) The name of the person who authorized the additional repairs;

. . .

(D) a description of all additional parts and labor, the cost for the additional parts and labor and the total price for all repairs. . . .

20. CCR, section 3366 states, in pertinent part:

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

. . .

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

(16) The center air distribution outlet temperature has been measured and recorded on the final invoice.

COST RECOVERY

21. Code section 125.3 provides, in pertinent part, that a Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

BUREAU INVESTIGATION

22. In and around September 2020, the Bureau received an anonymous complaint against Respondent's facility alleging that Respondent was performing and charging for repairs not needed, charging for labor not performed, and charging for parts not installed on numerous repairs including automotive air conditioning. As a result, the Bureau began an investigation into the complaint and found violations of the Automotive Repair Act (Code section 9880, et seq.) and the Health and Safety Code

UNDERCOVER OPERATION – 1997 Chevrolet

23. In or about the fall of 2020, a Bureau representative prepared and documented a 1997 Chevrolet (1997 Chevrolet) for an undercover operation. After verifying the proper operation of the vehicle as well as the vehicle's air condition (A/C) system, the representative introduced a

malfunction to the vehicle's A/C system that caused the compressor clutch to not engage, which did not allow the A/C to blow cold. The A/C system needed to be evaluated and required splicing the broken ground wire and reinstalling or replacing the existing A/C diode connector in order to make the A/C system fully operable again.

24. On or about September 9, 2020, a Bureau's under cover operator (operator) used an alias and took the Bureau's 1997 Chevrolet to Respondent's facility, Auto World Auto Service. The operator spoke with an employee at Respondent's facility who did not identify himself. The operator told the employee that the 1997 Chevrolet needed an A/C service because it quit blowing cold. The employee informed the operator that the diagnosis would be $45.00 and that he (the employee) would call the operator later that day. The employee did not provided the operator with a written estimate and the operator did not sign a repair order.

25. On or about September 10, 2020, the operator contacted Respondent's facility to follow-up on the diagnosis and spoke with an employee who did not identify himself. The employee informed the operator that he needed an A/C condenser as well as freon to repair the problem and the cost would be $650.00. The operator authorized the repair.

26. Later in the day on September 10, 2020, the operator contacted Respondent's facility to check on the status of the repair and spoke with Ravi Singh. Mr. Singh told the operator that the parts would not be delivered until later that day. Mr. Singh also informed the operator that the 1997 Chevrolet needed a pressure switch for the A/C that would cost an additional $25.00. The operator authorized the repair and Mr. Singh stated the vehicle would be ready the next day. .

27. On or about September 11, 2020, the operator arrived at Respondent's facility to pick up the 1997 Chevrolet and he met with Ravi Singh. Mr. Singh informed the operator that the total cost of the repairs were $730.73. The operator paid cash and received invoice number 36984 with Respondent's business card.

28. On or about October 1, 2020, a Bureau representative re-inspected the 1997 Chevrolet using Respondent's invoice number 36984 for comparison, and concluded the following:

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a. The A/C compressor assembly and A/C high-pressure cutout switch had been replaced. However, the performance of the A/C was inoperative in that the air was not blowing cold.

b. The A/C compressor cycling switch harness connection was not fully connected at the switch, causing the condenser to be inoperable. Once connected, the condenser worked properly.

c. The A/C compressor clutch diode harness had been wrapped with new electrical tape. When unwrapped, the bureau representative discovered the diode connector had been removed from the circuit (a required component to protect the electrical system) and a wire spliced had been performed on the black ground wire of the A/C compressor clutch circuit.

FIRST CAUSE FOR DISCIPLINE

(False and Misleading Statements)

29. Respondent's registration is subject to disciplinary action under Code section 9884.7, subdivision (a)(1), in that with regard to the Bureaus 1997 Chevrolet, Respondent made or authorized statements which he knew or in the exercise of reasonable care should have known to be untrue and misleading, as follows: On or about September 10, 2020, Respondent represented to the operator that the 1997 Chevrolet A/C condenser and pressure switch needed to be replaced and the system charged with freon, when it did not.

SECOND CAUSE FOR DISCIPLINE

(Fraud)

30. Respondent's registration is subject to disciplinary action under Code section 9884.7, subdivision (a)(4), in that with regard to the Bureau's 1997 Chevrolet, Respondent committed acts that constitute fraud by inducing the operator to pay Respondent for repairs to the Bureau's 1997 Chevrolet by representing to the operator that the vehicle needed a new A/C condenser, and a pressure switch for the A/C, when it did not.

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THIRD CAUSE FOR DISCIPLINE

(Gross Negligence)

31. Respondent's registration is subject to disciplinary action under Code section 9884.7, subdivision (a)(5), in that with regard to the Bureau's 1997 Chevrolet, Respondent committed gross negligence when he repaired a broken ground wire by removing and eliminating the diode for the air conditioning compressor, a required component to protect the electrical system.

FOURTH CAUSE FOR DISCIPLINE

(Failure to Provide Written Estimate/Document Authorization for Additional Repairs)

32. Respondent's registration is subject to disciplinary action under Code section 9884.7, subdivision (a)(6), in that with regard to the Bureau's 1997 Chevrolet, Respondent failed to comply with Code section 9884.9, as follow:

a. On or about September 10, 2020, Respondent failed to provide the operator with a written estimate.

b. Respondent failed, on invoice number 36984, dated September 11, 2020, to properly document the operator's telephonic authorization, given on or about September 10, 2020, to perform additional repairs.

FIFTH CAUSE FOR DISCIPLINE

(Departure from Accepted Trade Standards)

33. Respondent's registration is subject to disciplinary action under Code section 9884.7, subdivision (a)(7), in that with regard to the Bureau's 1997 Chevrolet, Respondent willfully departed from or disregarded accepted trade standards for good and workmanlike repair without the operator's consent. Specifically, on invoice number 36984, Respondent failed to record the high and low side pressures along with the center vent outlet temperature on the invoice, as required by automotive air conditioning trade standards.

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SIXTH CAUSE FOR DISCIPLINE

(Failure to Comply with Regulations)

34. Respondent's registration is subject to disciplinary action under Code section 9884.7, subdivision (a)(6), in that with regard to the Bureau's 1997 Chevrolet, Respondent failed to comply with provisions of the California Code of Regulations, title 16, as follows:

a. **Section 3353, subdivision (a):** Respondent failed to provide a written estimate and obtain authorization from the undercover operator;

b. **Section 3353.1, subdivisions (a) and (c):** Respondent failed to obtain authorization before beginning repairs and failed to record the additional authorization on the invoice;

c. **Section 3354, subdivisions (a)(1) and (2):** Respondent exceeded the estimate of $25 for an A/C pressure switch when he charged $52.80 on the invoice and failed to record the additional authorization for the replacement of the air conditioning compressor and freon.

d. **Section 3356, subdivision (b):** Respondent did not show the correct business name on its invoice pursuant to the name shown on Bureau records;

e. **Section 3356, subdivision (c)(1):** Respondent failed to describe all service work performed on invoice number 36984;

f. **Section 3356, subdivisions (e)(1)(A), (B), and (D):** Respondent failed to record the date and time of the additional authorization on the invoice; failed to describe all additional parts and labor, cost for the additional parts and labor and the total price for all repairs on the invoice; and failed to record the name of the person who authorized the additional authorizations on the invoice;

g. **Section 3366, subdivisions (a)(15) and (16):** Respondent failed to measure and record the high and low side system operating pressures on the invoice; and, failed to measure and record the center air distribution outlet temperature on the final invoice.

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SEVENTH CAUSE FOR DISCIPLINE

(Dishonest, Fraud or Deceit)

35. Respondent's station license is subject to disciplinary action under Health and Safety Code section 44072.2, subdivision (d), in that with regard to the Bureau's 1997 Chevrolet, Respondent committed dishonest, fraudulent, or deceitful acts whereby another was injured, as set forth in paragraphs 31, 32, 33, subparagraph (a) and (b), 34, and 35, subparagraphs (a) through (g), above.

OTHER MATTERS

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

37. Pursuant to Health and Safety Code section 44072.8, if Smog Check Station License Number RC 294745, issued to Respondent is revoked or suspended, any additional licenses under Chapter 5 of part 5 of Division 26 of the Health and Safety Code in the name of Ravi Inderjit Singh 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 issue a decision:

1. Revoking or suspending Automotive Repair Dealer Registration Number ARD 290274, issued to Auto World Auto Service, LLC, with Ravi Inderjit Singh as a member;

2. Revoking or suspending any other Automotive Repair Dealer Registration issued to Auto World Auto Service, LLC;

3. Revoking or suspending Smog Check, Station License Number RC 294745, issued to Auto World Auto Service, LLC, with Ravi Inderjit Singh as a member;

4. Revoking or suspending any additional licensed issued pursuant to Chapter 5 of Part 5 of Division 26 of the Health & Safety Code in the name of Auto World Auto Service, LLC;

5. Ordering Ravi Respondent to pay the Bureau the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,

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

DATED: _____

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

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