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7

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 Accusation Against:  
13 **A1 AZUSA AUTO REPAIR INC.**  
14 **FERNANDO BENJAMIN MAGANA,**  
15 **PRESIDENT, MAURO GALINDO,**  
16 **SECRETARY**  
17 **901 E. Gladstone Street**  
18 **Azusa, CA 91702**

Case No. 77/20-14695

**ACCUSATION**

19 **Automotive Repair Dealer Registration No.**  
20 **ARD 295573**  
21 **Brake Station License, Class C, Lic. No. BS**  
22 **295573**  
23 **Lamp Station License, Class A, Lic. No. LS**  
24 **295573**  
25 **Smog Check Test and Repair No. RC**  
26 **295573**

27 **and**

28 **KERMIT PAUL WATKINS**  
**222 S. Norma Court**  
**West Covina, CA 91791**

**Brake Adjuster Class C Lic. No. BA 305439**  
**Lamp adjuster License Class A Lic. No. LA**  
**305439**  
**Smog Check Inspector License EO 305439**  
**Smog Check Repair Technician License No.**  
**EI 305439**

Respondents.

**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 October 4, 2019, the Bureau of Automotive Repair issued Automotive Repair Dealer Registration Number ARD 295573 to A1 Azusa Auto Repair Inc., dba A1 Azusa Auto Repair Inc., Fernando Magana, President, Mauro Galindo, Secretary (Respondent A1 Azusa Auto Repair Inc.). The Automotive Repair Dealer Registration was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2021, unless renewed.

3. On or about February 27, 2020, the Bureau of Automotive Repair issued Smog Check Station License Number RC 295573 to A1 Azusa Auto Repair Inc., dba A1 Azusa Auto Repair Inc., Fernando Magana, President, Mauro Galindo, Secretary (Respondent A1 Azusa Auto Repair Inc.). The Smog Check Station License was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2021, unless renewed.

4. On or about February 11, 2020, the Bureau of Automotive Repair issued Lamp Station License Number LS 295573, class A, to A1 Azusa Auto Repair Inc., dba A1 Azusa Auto Repair Inc., Fernando Magana, President, Mauro Galindo, Secretary (Respondent A1 Azusa Auto Repair Inc.). The Lamp Station License was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2021, unless renewed.

5. On or about February 11, 2020, the Bureau of Automotive Repair issued Brake Station License Number BS 295573, class C, to 1 Azusa Auto Repair Inc., dba A1 Azusa Auto Repair Inc., Fernando Magana, President, Mauro Galindo, Secretary (Respondent A1 Azusa Auto Repair Inc.). The Brake Station License was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2021, unless renewed.

6. On or about August 13, 2012, the Bureau of Automotive Repair issued Smog Check Inspector License Number EO 305439 to Kermit Paul Watkins (Respondent Watkins). The Smog Check Inspector License was in full force and effect at all times relevant to the charges brought herein and will expire on August 31, 2022, unless renewed.

7. On or about August 13, 2012, the Bureau of Automotive Repair issued Smog Check Repair Technician License Number EI 305439 to Kermit Paul Watkins (Respondent Watkins). The Smog Check Repair Technician License was in full force and effect at all times relevant to the charges brought herein and expired on August 31, 2020.

8. On or about January 1, 2005, the Bureau of Automotive Repair issued Brake Adjuster License Number BA 305439, class C to Kermit Paul Watkins (Respondent Watkins). The Brake Adjuster License was in full force and effect at all times relevant to the charges brought herein and will expire on August 31, 2022, unless renewed.

9. On or about January 1, 2005, the Bureau of Automotive Repair issued Lamp Adjuster License Number LA 305439, class A to Kermit Paul Watkins (Respondent Watkins). The Lamp Adjuster License was in full force and effect at all times relevant to the charges brought herein and will expire on August 31, 2022, unless renewed.

## JURISDICTION

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

12. Business and Professions Code section 477 provides that “Board” includes, among other things, “bureau,” “department,” “division,” “program,” and “agency;” “License” includes, among other things, “registration” or other means to engage in a business or profession regulated by the Business and Professions Code.

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

5           14. Section 9884.20 of the Code states:

6                       All accusations against automotive repair dealers shall be  
7 filed within three years after the performance of the act or  
8 omission alleged as the ground for disciplinary action, except that  
9 with respect to an accusation alleging fraud or misrepresentation as  
10 a ground for disciplinary action, the accusation may be filed within  
11 two years after the discovery, by the bureau, of the alleged facts  
12 constituting the fraud or misrepresentation.

13           15. Section 9884.22 of the Code states, in pertinent part:

14                       (a) Notwithstanding any other provision of law, the director  
15 may revoke, suspend, or deny at any time any registration required  
16 by this article on any of the grounds for disciplinary action  
17 provided in this article. The proceedings under this article shall be  
18 conducted in accordance with Chapter 5 (commencing with  
19 Section 11500) of Part 1 of Division 3 of Title 2 of the  
20 Government Code, and the director shall have all the powers  
21 granted therein.

22           16. Section 9889.1 of the Code provides, in pertinent part, that the Director may suspend  
23 or revoke any license issued under Articles 5 and 6 (commencing with section 9887.1) of the  
24 Automotive Repair Act.

25           17. Section 9889.3 of the Code states, in pertinent part:

26                       The director may suspend, revoke, or take other disciplinary  
27 action against a license as provided in this article [Article 7  
28 (commencing with section 9889.1) of the Automotive Repair Act]  
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.

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

1           18. Section 9889.5 of the Code provides that the director may take disciplinary action  
2 against any licensee after a hearing by any of the following: imposing probation upon terms and  
3 conditions to be set forth by the director, suspending the license, or revoking the license.

4           19. Section 9889.7 of the Code provides, in pertinent part, that the expiration or  
5 suspension of a license by operation of law or by order or decision of the Director or a court of  
6 law, or the voluntary surrender of a license shall not deprive the Director of jurisdiction to  
7 proceed with any disciplinary proceedings.

8           20. Section 9889.8 of the Code states:

9                       All accusations against licensees shall be filed within three  
10                      years after the act or omission alleged as the ground for  
11                      disciplinary action, except that with respect to an accusation  
12                      alleging a violation of subdivision (d) of Section 9889.3, the  
13                      accusation may be filed within two years after the discovery by the  
                        bureau of the alleged facts constituting the fraud or  
                        misrepresentation prohibited by that section.

14           21. Section 9889.9 of the Code states, “When any license has been revoked or suspended  
15 following a hearing under the provisions of this article, any additional license issued under  
16 Articles 5 and 6 of this chapter in the name of the licensee may be likewise revoked or suspended  
17 by the director.”

18           22. Section 44002 of the Health and Safety Code states:

19                       The department shall have the sole and exclusive authority  
20                      within the state for developing and implementing the motor vehicle  
21                      inspection program in accordance with this chapter.

22                       For the purposes of administration and enforcement of this  
23                      chapter, the department, and the director and officers and  
24                      employees thereof, shall have all the powers and authority granted  
25                      under Division 1 (commencing with Section 1) and Division 1.5  
26                      (commencing with Section 475) and Chapter 20.3 (commencing  
27                      with Section 9880) of Division 3 of the Business and Professions  
28                      Code and under Chapter 33 (commencing with Section 3300) of  
                        Title 16 of the California Code of Regulations. Inspections and  
                        repairs performed pursuant to this chapter, in addition to meeting  
                        the specific requirements imposed by this chapter, shall also  
                        comply with all requirements imposed pursuant to Division 1  
                        (commencing with Section 1) and Division 1.5 (commencing with

Section 475) and Chapter 20.3 (commencing with Section 9880) of Division 3 of the Business and Professions Code and Chapter 33 (commencing with Section 3300) of Title 16 of the California Code of Regulations.

23. Section 44072.4 of the Health and Safety Code provides that the director may take disciplinary action against any licensee after a hearing by imposing probation, suspending the license, or revoking the license.

24. Section 44072.6 of the Health and Safety Code states:

The 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.

25. Section 44072.7 of the Health and Safety Code states:

All accusations against licensees shall be filed within three years after the act or omission alleged as the ground for disciplinary action, except that with respect to an accusation alleging a violation of subdivision (d) of Section 44072.2, the accusation may be filed within two years after the discovery by the bureau of the alleged facts constituting the fraud or misrepresentation prohibited by that section.

### **STATUTORY PROVISIONS**

26. Business and Professions Code section 9884.7 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.

...

1 (3) Failing or refusing to give to a customer a copy of any  
2 document requiring his or her signature, as soon as the customer  
3 signs the document.

4 (4) Any other conduct which constitutes fraud.

5 . . .

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

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

12 27. Section 9889.16 of the Code states:

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

22 28. Health and Safety Code section 44072.2, subdivision (d) provides that the director  
23 may suspend, revoke, or take other disciplinary action against a license if the licensee, or any  
24 partner, officer, or director commits any act involving dishonesty, fraud, or deceit whereby  
25 another is injured.

26 29. Health and Safety Code section 44072.8, states "When a license has been revoked or  
27 suspended following a hearing under this article, any additional license issued under this chapter  
28 in the name of the licensee may be likewise revoked or suspended by the director."

30. Health and Safety Code section 44072.10 states:

(a) Notwithstanding Sections 44072 and 44072.4, the  
director, or the director's designee, pending a hearing conducted  
pursuant to subdivision (e), may temporarily suspend any smog  
check station or technician's license issued under this chapter, for a  
period not to exceed 60 days, if the department determines that the  
licensee's conduct would endanger the public health, safety, or

welfare before the matter could be heard pursuant to subdivision (e), based upon reasonable evidence of any of the following:

(1) Fraud.

(2) Tampering.

(3) Intentional or willful violation of this chapter or any regulation, standard, or procedure of the department implementing this chapter.

(4) A pattern or regular practice of violating this chapter or any regulation, standard, or procedure of the department implementing this chapter.

...

(c) The department shall revoke the license of any smog check technician or station licensee who fraudulently certifies vehicles or participates in the fraudulent inspection of vehicles. A fraudulent inspection includes, but is not limited to, all of the following:

...

(4) Intentional or willful violation of this chapter or any regulation, standard, or procedure of the department implementing this chapter.

### **REGULATORY PROVISIONS**

31. California Code of Regulations, title 16, section 3305, subdivision (a) states:

(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.

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

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

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

(5) The bureau's *Handbook for Lamp Adjusters and Stations*, May 2015, which is hereby incorporated by reference. (Italics in original.)

32. California Code of Regulations, title 16, section 3316 states:

The operation of official lamp adjusting stations shall be subject to the following provisions:

...

(d) . . . . Issuance of a lamp adjustment certificate shall be in accordance with the following provisions:

...

(2) Where all of the lamps, lighting equipment, and related electrical systems on a vehicle have been inspected and found to be in compliance with all requirements of the Vehicle Code and bureau regulations, the certificate shall certify that the entire system meets all of those requirements.

33. California Code of Regulations, title 16, section 3321 states:

The operation of official brake adjusting stations shall be subject to the following provisions:

...

(c) . . . . Issuance of a brake adjustment certificate shall be in accordance with the following provisions:

...

(2) Where the entire brake system on any vehicle has been inspected or tested and found to be in compliance with all requirements of the Vehicle Code and bureau regulations, and the vehicle has been road-tested, the certificate shall certify that the entire system meets all such requirements.

34. California Code of Regulations, title 16, section 3373 states:

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

35. California Code of Regulations, title 16, section 3395.4 states:

1 In reaching a decision on a disciplinary action under the  
2 Administrative Procedure Act (Government Code Section 11400 et  
3 seq.), including formal hearings conducted by the Office of  
4 Administrative Hearing, the Bureau of Automotive Repair shall  
5 consider the disciplinary guidelines entitled 'Guidelines for  
6 Disciplinary Penalties and Terms of Probation' [May, 1997] which  
7 are hereby incorporated by reference. The 'Guidelines for  
8 Disciplinary Penalties and Terms of Probation' are advisory.  
9 Deviation from these guidelines and orders, including the standard  
10 terms of probation, is appropriate where the Bureau of Automotive  
11 Repair in its sole discretion determines that the facts of the  
12 particular case warrant such deviation -for example: the presence  
13 of mitigating factors; the age of the case; evidentiary problems.

### 14 **COST RECOVERY**

15 36. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
16 administrative law judge to direct a licentiate found to have committed a violation or violations of  
17 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
18 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
19 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
20 included in a stipulated settlement.

### 21 **December 4, 2020 – Vehicle Inspection**

22 37. On December 4, 2020, a Bureau undercover operator drove a Mercedes Benz vehicle  
23 (Mercedes) to Respondent A1 Azusa Auto Repair Inc. for the purpose of investigating whether  
24 Respondents were performing inspections in accordance with the law. The Bureau had  
25 previously documented introduced malfunctions that would prevent the Mercedes from passing a  
26 properly conducted brake inspection.

27 The Bureau's undercover operator informed Respondent A1 Azusa Auto Repair that he  
28 needed a smog check and brake and lamp inspections performed on the Mercedes. The  
Respondent failed to provide a cost estimate prior to the work being performed. Respondent  
Watkins drove the Mercedes to the farthest service bay. After a few minutes, Respondent Watkins  
drove the vehicle to another bay and raised it on the hoist. After a few minutes, Respondent  
Watkins reinstalled the tires. Respondent Watkins then proceeded to perform a lamp inspection  
by turning on the lights and walking around the vehicle. Respondent then proceeded to complete

1 the certificates. The Respondent was paid \$153.60 for the inspection.

2 **March 18, 2021 - Vehicle Inspection**

3 38. On March 18, 2021, a Bureau undercover operator drove a Ford Mustang (Ford) to  
4 Respondent A1 Azusa Auto Repair Inc. for the purpose of investigating whether Respondents  
5 were performing inspections in accordance with the law. The Bureau had previously documented  
6 introduced malfunctions that would prevent the Ford from passing a properly conducted brake  
7 inspection.

8 The undercover operator asked Respondent for a brake and lamp inspection. The  
9 Respondent failed to provide a cost estimate prior to the work being performed. The Respondent  
10 drove the Ford to the closest service bay and put it up on the hoist. Respondent Watkins removed  
11 all four wheels from the vehicle, and after a few minutes reinstalled the wheels. Respondent  
12 Watkins then proceeded to turn on the lights on and walk around the vehicle. Respondent  
13 Watkins then completed the certificates. The Respondent was paid \$98 for the services.

14 **FIRST CAUSE FOR DISCIPLINE**

15 **(Untrue and Misleading Statements- Station)**

16 39. Complainant re-alleges and incorporates by reference the allegations set forth above  
17 in paragraphs 37-38, inclusive.

18 40. Respondent A1 Azusa Auto Repair's ARD registration is subject to disciplinary  
19 action under Business and Professions Code section 9884.7 subdivision (a)(1), in that Respondent  
20 A1 Azusa Auto Repair made or authorized untrue or misleading statements, which were known,  
21 or which by the exercise of reasonable care should have been known, to be untrue or misleading  
22 as follows:

23 a. Respondent A1 Azusa Auto Repair certified that the brake systems for the Mercedes  
24 and Ford were in compliance, when the Mercedes and Ford should have failed properly  
25 performed brake inspection.

26 b. Respondent A1 Azusa Auto Repair represented that the brake systems for the  
27 Mercedes and Ford had been inspected and were in passable condition, when in fact the systems  
28 had not been properly inspected.

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Fraud- Station)**

3 41. Complainant re-alleges and incorporates by reference the allegations set forth above  
4 in paragraphs 37-38, inclusive.

5 42. Respondent A1 Azusa Auto Repair's ARD registration is subject to disciplinary  
6 action under Business and Professions Code section 9884.7, subdivision (a) (4), in that  
7 Respondent A1 Azusa Auto Repair committed acts which constitute fraud as follows:

8 a. Respondent A1 Azusa Auto Repair misrepresented to the undercover operator that the  
9 brake system on the Mercedes and Ford had been inspected and that it was in passable condition;  
10 Respondent A1 Azusa Auto Repair knew that in fact the brake system had not been properly  
11 inspected; Respondent A1 Azusa Auto Repair intended the undercover operator to rely on this  
12 misrepresentation; Respondent A1 Azusa Auto Repair charged for the brake inspection and  
13 certification services and accepted payment.

14 **THIRD CAUSE FOR DISCIPLINE**

15 **(Failure to Comply with Provisions of Automobile Repair Act- Station)**

16 43. Complainant re-alleges and incorporates by reference the allegations set forth above  
17 in paragraphs 37-38, inclusive.

18 44. Respondent A1 Azusa Auto Repair's ARD registration is subject to disciplinary  
19 action under Business and Professions Code section 9884.7, subdivision (a)(6), in that  
20 Respondent A1 Azusa Auto Repair failed in a material respect to comply with the provisions of  
21 the Automobile Act (Business and Professions Code section 9880 et seq.) or regulations adopted  
22 pursuant to it. Respondent failed to comply with the following Code sections:

23 a. ***Business and Professions Code section 9884.7, subdivision (a)(3):*** in that  
24 Respondent failed to give a customer a copy of a document requiring his signature as soon as the  
25 customer signed the document. Respondent also charged \$3 for shop supplies and \$3 for  
26 hazardous materials for charges that cannot be charged, and \$9.60 tax on brake and lamp  
27 inspection labor when no taxable items were used in this transaction.

b. ***Business and Professions Code section 9889.16***: in that Respondent issued a brake adjustment certificate to a non-conforming vehicle.

#### **FOURTH CAUSE FOR DISCIPLINE**

**(Failure to Comply with Regulations- Station)**

45. Complainant re-alleges and incorporates by reference the allegations set forth above in paragraphs 37-38, inclusive.

46. Respondent A1 Azusa Auto Repair's ARD registration is subject to disciplinary action under Business and Professions Code section 9884.7, subdivision (a)(6), in that Respondent A1 Azusa Auto Repair failed in a material respect to comply with the provisions of the Automobile Act (Business and Professions Code section 9880 et seq.) or regulations adopted pursuant to it. Respondent failed to comply with the following regulations:

a. *California Code of Regulations, title 16, section 3321, subdivision (c)(2):*  
Respondent falsely issued brake certificates stating the brake systems had been inspected in accordance with the Vehicle Code and Bureau requirements;

b. ***California Code of Regulations, title 16, section 3373***: Respondent filled out an estimate, invoice, or work order, withheld therefrom or inserted therein a statement or information which would cause any such document to be false or misleading to the Bureau's undercover operator.

## FIFTH CAUSE FOR DISCIPLINE

**(Certificates Issued to Non-Conforming Vehicle- Station)**

47. Complainant re-alleges and incorporates by reference the allegations set forth above in paragraphs 37-38, inclusive.

48. Respondent A1 Azusa Auto Repair's Brake and Lamp Station Licenses are subject disciplinary action under Business and Professions Code section 9889.16 and California Code of Regulations, title 16, section 3316, subdivision (d)(2), and section 3321, subdivision (c)(2) in that upon an inspection or after an adjustment purportedly made in conformity with the instructions of the Bureau, Respondent A1 Azusa Auto Repair issued brake certificates of adjustment to vehicles

1 that purportedly conformed with the requirements of the Vehicle Code and Bureau regulations,  
2 when in fact and in truth the vehicles did not conform with these requirements.

3 **SIXTH CAUSE FOR DISCIPLINE**

4 **(Dishonesty, Fraud, or Deceit- Station)**

5 49. Complainant re-alleges and incorporates by reference the allegations set forth above  
6 in paragraphs 37-38, inclusive.

7 50. Respondent A1 Azusa Auto Repair's Brake and Lamp Station Licenses are subject  
8 disciplinary action under Business and Professions Code section 9889.3, subdivisions (a) and (d);  
9 and California Code of Regulations, title 16, section 3373 in that Respondent A1 Azusa Auto  
10 Repair committed dishonest, fraudulent, or deceitful acts whereby another is injured by issuing  
11 certificates of adjustment for vehicles without performing bona fide inspections of them, thereby  
12 depriving the People of the State of California of the protection afforded by the Automotive  
13 Repair Act.

14 **SEVENTH CAUSE FOR DISCIPLINE**

15 **(Violation of Regulations- Station)**

16 51. Complainant re-alleges and incorporates by reference the allegations set forth above  
17 in paragraphs 37-38, inclusive.

18 52. Respondent A1 Azusa Auto Repair's Brake and Lamp Station Licenses are subject  
19 disciplinary action under Business and Professions Code section 9889.3, subdivision (c), in that  
20 Respondent violated the following Regulations:

21 a. ***California Code of Regulations, title 16, section 3321, subdivision (c)(2):***  
22 Respondent falsely issued brake certificates stating the brake systems had been inspected in  
23 accordance with the Vehicle Code and Bureau requirements;

24 b. ***California Code of Regulations, title 16, section 3373:*** Respondent filled out an  
25 estimate, invoice, or work order, withheld therefrom or inserted therein a statement or  
26 information which would cause any such document to be false or misleading to the Bureau's  
27 undercover operator.

28 ///

1 **EIGHTH CAUSE FOR DISCIPLINE**

2 **(Dishonesty, Fraud, or Deceit)**

3 53. Complainant re-alleges and incorporates by reference the allegations set forth above  
4 in paragraphs 37-38, inclusive.

5 54. Respondent A1 Azusa Auto Repair's Smog Check Station License is subject to  
6 disciplinary action under Health and Safety Code section 44072.2, subdivision (d); and section  
7 44072.10, subdivision (a) and (c), in that Respondent El Smog committed dishonest, fraudulent,  
8 or deceitful acts whereby another is injured by issuing certificates of adjustment for vehicles  
9 without performing bona fide inspections of them, thereby depriving the People of the State of  
10 California of the protection afforded by the Automotive Repair Act.

11 **NINTH CAUSE FOR DISCIPLINE**

12 **(Violation of the Business and Professions Code- Adjuster)**

13 55. Complainant re-alleges and incorporates by reference the allegations set forth above  
14 in paragraphs 37-38, inclusive.

15 56. Respondent Kermit Paul Watkins' brake adjuster license and lamp adjuster license  
16 are subject to disciplinary action under Business and Professions Code section 9889.3,  
17 subdivision (a), in that Respondent Watkins' issued brake adjustment certificates to non-  
18 conforming vehicles in violation of Business and Professions Code section 9889.16.

19 **TENTH CAUSE FOR DISCIPLINE**

20 **(Violation of Regulations- Adjuster)**

21 57. Complainant re-alleges and incorporates by reference the allegations set forth above  
22 in paragraphs 37-38, inclusive.

23 58. Respondent Watkins' brake adjuster license and lamp adjuster license are subject to  
24 disciplinary action under Business and Professions Code section 9889.3, subdivision (c), in that  
25 Respondent Watkins violated the following regulations:

26 a. ***California Code of Regulations, title 16, section 3305, subdivision (a)***: Respondent  
27 failed to adjust, inspect, service, or repair brake systems in accordance with current standards,  
28 specifications, and instructions issued by the Bureau and the vehicle manufacturer;

1           b.     *California Code of Regulations, title 16, section 3321, subdivision (c)(2):*

2     Respondent Watkins falsely issued a brake certificate stating the lamp system had been inspected  
3     in accordance with the Vehicle Code and Bureau requirements.

4                                 **ELEVENTH CAUSE FOR DISCIPLINE**

5                                 **(Dishonesty, Fraud, or Deceit- Adjuster)**

6           59.    Complainant re-alleges and incorporates by reference the allegations set forth above  
7     in paragraphs 37-38, inclusive.

8           60.    Respondent Watkins' brake adjuster license and lamp adjuster license are subject to  
9     disciplinary action under Business and Professions Code section 9889.3, subdivision (d);  
10    9889.16; and California Code of Regulations, title 16, section 3316, subdivision (d)(2); and  
11    section 3321, subdivision (c)(2) in that upon an inspection or after an adjustment purportedly  
12    made in conformity with the instructions of the Bureau, he issued brake certificates of adjustment  
13    to vehicles that purportedly conformed with the requirements of the Vehicle Code and Bureau  
14    regulations, when in fact and in truth the vehicle did not conform with these requirements.

15                               **TWELFTH CAUSE FOR DISCIPLINE**

16                               **(Dishonesty, Fraud, or Deceit- Adjuster)**

17          61.    Complainant re-alleges and incorporates by reference the allegations set forth above  
18     in paragraphs 37-38, inclusive.

19          62.    Respondent Watkins' smog inspector and smog check repair technician licenses are  
20     subject to disciplinary action under Business and Professions Code section 9889.3, subdivision  
21     (d); 9889.16; and California Code of Regulations, title 16, section 3316, subdivision (d)(2); and  
22     section 3321, subdivision (c)(2) in that upon an inspection or after an adjustment purportedly  
23     made in conformity with the instructions of the Bureau, he issued brake certificates of adjustment  
24     to vehicles that purportedly conformed with the requirements of the Vehicle Code and Bureau  
25     regulations, when in fact and in truth the vehicle did not conform with these requirements.

26                               **OTHER MATTERS**

27          63.    Under Code section 9884.7, subdivision (c), the Director may invalidate temporarily  
28     or permanently or refuse to validate, the registrations for all places of business operated in this

1 state by an automotive repair dealer upon a finding that the automotive repair dealer has engaged  
2 in a course of repeated and willful violations of the laws and regulations pertaining to an  
3 automotive repair dealer.

4 64. Under Code section 9889.9, if a license is revoked or suspended following a hearing  
5 under Article 7 of the Automotive Repair Act, any additional license issued under Articles 5 and  
6 6 in the name of Fernando Benjamin Magana or Mauro Galindo, including Lamp Station License  
7 Number LS295573; Brake Station License Number BS 295573 may be likewise revoked or  
8 suspended.

9 65. Under Code section 9889.9, if a license is revoked or suspended following a hearing  
10 under Article 7 of the Automotive Repair Act, any additional license issued under Articles 5 and  
11 6 in the name of Kermit Paul Watkins Lamp Adjuster License Number LA 305439; Brake  
12 Adjuster License Number BA 305439, may be likewise revoked or suspended.

### 13 **PRAYER**

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

17 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD  
18 295573, issued to A1 Azusa Auto Repair Inc., dba A1 Azusa Auto Repair Inc., Fernando Magana,  
19 President, Mauro Galindo, Secretary;

20 2. Revoking or suspending Smog Check Station License Number RC 295573, issued to  
21 A1 Azusa Auto Repair Inc., dba A1 Azusa Auto Repair Inc., Fernando Magana, President, Mauro  
22 Galindo, Secretary;

23 3. Revoking or suspending Lamp Station License Number LS 295573, class A, issued to  
24 A1 Azusa Auto Repair Inc., dba A1 Azusa Auto Repair Inc., Fernando Magana, President, Mauro  
25 Galindo, Secretary;

26 4. Revoking or suspending Brake Station License Number BS 295573, class C, issued to  
27 A1 Azusa Auto Repair Inc., dba A1 Azusa Auto Repair Inc., Fernando Magana, President, Mauro  
28 Galindo, Secretary;

- 1           5.     Revoking or suspending Smog Check Inspector License Number EO 305439, issued  
2 to Kermit Paul Watkins;
- 3           6.     Revoking or suspending Smog Check Repair Technician License Number EI 305439,  
4 issued to Kermit Paul Watkins;
- 5           7.     Revoking or suspending Brake Adjuster License Number BA 305439, class C, issued  
6 to Kermit Paul Watkins;
- 7           8.     Revoking or suspending Lamp Adjuster License Number LA 305439, class A, issued  
8 to Kermit Paul Watkins;
- 9           9.     Revoking or suspending the registrations for all places of business operated in this  
10 state by A1 Azusa Auto Repair Inc.;
- 11          10.    Revoking or suspending any additional license issued under Articles 5 and 6 of  
12 Chapter 20.3 of the Code in the name of A1 Azusa Auto Repair Inc.;
- 13          11.    Revoking or suspending any additional license issued under Health and Safety Code,  
14 Division 26, Part 5, Chapter 5, in the name of Kermit Paul Watkins;
- 15          12.    Ordering A1 Azusa Auto Repair Inc., dba A1 Azusa Auto Repair Inc., Fernando  
16 Magana, President, Mauro Galindo, Secretary, Kermit Paul Watkins to pay the Bureau of  
17 Automotive Repair the reasonable costs of the investigation and enforcement of this case,  
18 pursuant to Business and Professions Code section 125.3; and,
- 19          13.    Taking such other and further action as deemed necessary and proper.
- 20  
21

22           DATED: As of digital signature date

Dorais, Patrick@DCA  Digitally signed by Dorais,  
Patrick@DCA  
Date: 2021.07.09 11:50:23 -07'00'

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

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