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

In the Matter of the Accusation Against**:** **ROMITA AUTOMOTIVE SERVICE LLC** **DBA ROMITA AUTO SERVICE** **NESTOR ANGUIANO RODRIGUEZ, MEMBER** **MARIA RAMIREZ GONZALEZ, MEMBER** 4909 E Dakota Fresno, CA 93727 **Automotive Repair Dealer Registration No. ARD 298711** **Smog Check, Test-and-Repair, Station License No. RC 298711,** **and** **NESTOR ANGUIANO RODRIGUEZ** 4755 E Grant Fresno, CA 93702 **Smog Check Inspector License No. EO 154541** **Smog Check Repair Technician License No. EI 154541** Respondents.	Case No. 77/26-3819 **ACCUSATION**

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PARTIES

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

Automotive Repair Dealer Registration

2. On or about December 22, 2020, the Bureau issued Automotive Repair Dealer Registration Number ARD 298711 to Romita Automotive Service LLC, doing business as Romita Auto Service, (Respondent Romita) with Nestor Anguiano Rodriguez (Respondent Rodriguez) and Maria Ramirez Gonzalez (Respondent Gonzalez) as members. The Automotive Repair Dealer Registration (registration) was in full force and effect at all times relevant to the charges brought herein and will expire on December 31, 2026, unless renewed.

Smog Check, Test-and-Repair, Station License

3. On or about June 8, 2021, the Bureau issued Smog Check, Test-and-Repair, Station License Number RC 298711 to Respondent Romita. The Smog Check, Test-and-Repair, Station License (license) was in full force and effect at all times relevant to the charges brought herein and will expire on December 31, 2026, unless renewed.

Smog Check Inspector License

4. On or about July 5, 2013, the Bureau issued Smog Check Inspector License Number EO 154541 to Respondent Rodriguez. The Smog Check Inspector License was in full force and effect at all times relevant to the charges brought herein and will expire on July 31, 2027, unless renewed.

Smog Check Repair Technician License

5. On or about July 5, 2013, the Bureau issued Smog Check Repair Technician License Number EI 154541 to Respondent Rodriguez. The Smog Check Repair Technician License was in full force and effect at all times relevant to the charges brought herein and will expire on July 31, 2027, unless renewed.

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JURISDICTION

6. This Accusation is brought before the Bureau under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

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

8. Code section 477 states:

> As used in this division:
>
> (a) "Board" includes "bureau," "commission," "committee," "department," "division," "examining committee," "program," and "agency."
>
> (b) "License" includes certificate, registration or other means to engage in a business or profession regulated by this code.

9. 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.

STATUTORY PROVISIONS

10. 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.

…

11. Code section 9884.8 states:

All work done by an automotive repair dealer, including all warranty work, shall be recorded on an invoice and shall describe all service work done and parts supplied. Service work and parts shall be listed separately on the invoice, which shall also state separately the subtotal prices for service work and for parts, not including sales tax, and shall state separately the sales tax, if any, applicable to each. If any used, rebuilt, or reconditioned parts are supplied, the invoice shall clearly state that fact. If a part of a component system is composed of new and used, rebuilt or reconditioned parts, that invoice shall clearly state that fact. The invoice shall include a statement indicating whether any crash parts are original equipment manufacturer crash parts or nonoriginal equipment manufacturer aftermarket crash parts. One copy of the invoice shall be given to the customer and one copy shall be retained by the automotive repair dealer.

12. 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, 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:

…

13. Code section 9884.11 states:

Each automotive repair dealer shall maintain any records that are required by regulations adopted to carry out this chapter. Those records shall be open for reasonable inspection by the chief or other law enforcement officials. All of those records shall be maintained for at least three years.

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14. Health and Safety (Health & Saf.) Code section 44072.2 states, in pertinent part:

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

…

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

…

REGULATORY PROVISIONS

15. California Code of Regulations, title 16 (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.

16. CCR section 3356 states, in pertinent part:

…

(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.

(2) Each part supplied, in such a manner that the customer can understand what was purchased, and the price for each described part. The description of each part shall state whether the part was new, used, reconditioned, rebuilt, an OEM crash part, or a non-OEM aftermarket crash part. Part kits containing several components may be listed as a single part on the invoice and identified by brand name and corresponding part number or similar designation.

…

17. CCR section 3358 states, in pertinent part:

Pursuant to Section 9884.11 of the Business and Professions Code, each automotive repair dealer shall maintain, in either written or electronic form, legible copies of the following records for at least three years:

(a) All invoices relating to automotive repair including invoices received from other sources for parts and/or labor.

…

18. CCR section 3371, states:

> No automotive repair dealer shall publish, utter, or make or cause to be published, uttered, or made any false or misleading statement or advertisement which is known to be false or misleading, or which by the exercise of reasonable care should be known to be false or misleading. Advertisements and advertising signs shall clearly show the name and address listed on the automotive repair dealer's State registration certificate.

19. CCR 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.

COST RECOVERY

20. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee 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, with failure of the licensee to comply subjecting the license to not being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be included in a stipulated settlement.

UNDERCOVER OPERATION

21. On and between December 24, 2025, through February 6, 2026, Bureau representative T.H. documented the condition of the fuel, ignition, and powertrain management systems on the Bureau's 2007 Dodge. T.H. confirmed that the engine/powertrain were in good working order and operating within the manufacturer's specifications. T.H. introduced an open ground into the left upstream oxygen (O2) sensor heater circuit, which caused the engine to run lean, created a misfire condition in the left bank (bank 1) cylinders, and illuminated the Malfunction Indicator Lamp (MIL). The only repairs that the vehicle needed to correct the MIL indicator were to properly diagnose and repair the open ground wire for the left upstream O2 sensor heater circuit and clear the stored Diagnostic Trouble Codes (DTC) from the Powertrain Control Module (PCM) memory.

22. On or about February 23, 2026, Bureau representative H.P. called Respondent Romita and spoke to a person who identified himself as Frank. H.P. requested to schedule an appointment for a diagnosis of the check engine light (CEL) being on and a rough running issue for the 2007 Dodge. Frank told H.P. that the diagnostic charge would be $195.00. Frank scheduled the appointment for February 26, 2026. H.P. told Frank that her boyfriend would be delivering the 2007 Dodge.

23. On or about February 26, 2026, a Bureau undercover operator (operator) took the 2007 Dodge to Respondent Romita's facility and met with Frank. The operator told Frank that his girlfriend, H.P., had made the appointment to have the CEL and the rough-running condition diagnosed. Frank observed the rough-running condition and stated that the rough-running condition was severe. Frank said the diagnosis would cost $240.00. The operator told Frank that he understood that Frank had told H.P. that the diagnosis would cost $195.00. Frank agreed to perform the diagnosis for $195.00. Frank had the operator sign an estimate for the diagnosis and gave the operator a copy.

24. On or about February 27, 2026, the operator called Frank for an update on the 2007 Dodge. Frank stated that the engine had low compression caused by the top end and that cylinder #7 was low on compression. Frank stated he would prepare an estimate to remove the cylinder heads and send them to a machine shop for testing.

25. On or about March 2, 2026, the operator called Respondent Romita and spoke to Frank. Frank asked the operator to come to Respondent Romita's facility in person so he could explain the repairs more clearly. The operator told Frank he could not because he was working out of town. Frank stated to the operator that they needed to remove the cylinder heads and send them to the machine shop for repairs and testing. Frank stated both cylinder heads needed repair because what happened on one side would happen on the other side. Frank quoted the operator $2,700.00 for cylinder head repairs and warned the operator that additional issues might be discovered due to the engine's mileage. The operator told Frank he would call him back after he spoke with H.P.

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26. That same day, the operator called Frank and asked whether repairing the cylinder heads would be cheaper than replacing the engine. Frank stated that the cylinder head repairs were significantly cheaper. The operator approved the repairs for $2,700.00.

27. On or about March 6, 2026, the operator called Frank for an update. Frank stated that the technician needed more time to finalize his notes and that he would call the operator on the following Monday, March 9.

28. On or about March 10, 2026, the operator contacted Respondent Romita and spoke to a person who identified herself as Abby. Abby stated that Frank was no longer employed by Respondent Romita and that a person named Christian would be taking over. Abby stated that Christian needed some time to review the 2007 Dodge's status and would likely call later that day.

29. That same day, the operator received a text message from Respondent Romita requesting a return call. The operator called and spoke to Christian, who stated that they had removed the cylinder heads and found them in good condition but discovered bent pushrods had caused the low compression. Christian stated that a leak-down test on the cylinder heads showed normal tests. Christian asked how old the spark plugs were. The operator told Christian he did not know. Christian gave the operator two options: machine the existing cylinder heads or purchase new ones. Christian stated the existing heads were in good condition and that machining them would be sufficient. Christian quoted a price of $3,558.43 to replace the pushrods and head bolts and machine the cylinder heads. Christian gave another price of $3,933.54 to replace the pushrods and head bolts and replace the cylinder heads. Christian recommended replacing all sixteen spark plugs for approximately $186.00 in parts, noting the operator would save about $360.00 in labor since the cylinder heads were already removed. The operator approved the machining option and declined the spark plug replacement. Christian stated parts would take approximately three days to arrive and that the repairs were expected to be completed by March 27, 2026.

30. On or about March 25, 2026, the operator called Respondent Romita and spoke to a person who identified herself as Janice. Janice stated that Christian was not in, and that the

technician was still working on the 2007 Dodge and that he was trying his best to finish by March 27th.

31. On or about March 30, 2026, the operator called Respondent Romita. The operator spoke to Christian who stated that the technician was "buttoning it up." Christian stated he would call the operator back in approximately twenty minutes.

32. That same day, Christian called the operator back. Christian stated that they had additional recommendations. Christian stated that the spark plugs were included in the original estimate. Christian stated that they had replaced the pushrods on Cylinder #7, replaced the head gaskets, valve cover gaskets, and intake gaskets, filled and bled the cooling system, and changed the oil. Christian stated that they had run the engine for approximately fifteen minutes and test-driven it multiple times. The engine was operating normally; however, the CEL returned without other symptoms. The DTC displayed was P0032 for an O2 sensor circuit. Christian acknowledged that this code had been present during the initial diagnosis but was a secondary issue. Christian stated that there were two issues with the 2007 Dodge. Christian told the operator that the total invoice for the completed work was $3,321.73, which included spark plugs. Christian stated that an additional $195.00 was required to diagnose DTC P0032, bringing the total to $3,516.73. The operator told Christian that he would call him back.

33. Later that day, the operator called Respondent Romita back and spoke with Christian. The operator expressed concern that he had already paid for a diagnosis related to the CEL and the cost continued to increase. Christian stated that the primary issue had been resolved and this was a separate problem. Christian stated that if the problem turned out to be a simple wiring repair, they would only charge the diagnostic fee. Otherwise, Christian would call with a new estimate. The operator approved the $195.00 diagnostic fee.

34. On or about April 2, 2026, the operator called Respondent Romita and spoke with Christian. Christian stated that the technician had visually inspected the O2 sensor and saw no obvious damage. The technician checked the power and ground circuits, confirmed the power supply was good, and identified a bad ground wire. The technician repaired the ground wire, retested and verified the CEL was off, and the 2007 Dodge was ready. Christian stated the cost

remained the same because the repair done was done with the diagnostic fee. The total invoice amount was $3,516.73. The operator told Christian he would pick up the 2007 Dodge the following day.

35. On or about April 3, 2026, the operator returned to Respondent Romita's facility to retrieve the 2007 Dodge. Christian provided the operator with two invoices. Christian asked the operator to sign an estimate for the additional $195.00 diagnostic fee that the operator had approved on March 30, 2026. Christian stated that the repairs carried a two-year warranty. Christian provided the operator with an envelope and said that it contained all the operator's paperwork. The operator paid $3,516.73.

36. Bureau representative T.H. subsequently re-inspected the 2007 Dodge. T.H. observed that there were two exhaust system leaks where none had existed before the repairs. T.H. found that Respondent Romita had failed to correctly install the catalytic converter pipes and to secure exhaust system band clamps, and that there was damage to an exhaust flex pipe. The mounting boss threads on the number one ignition coil were damaged which prevented the ignition coil from being properly secured. The engine oil dipstick tube was not properly secured to the right-side exhaust manifold. Proper attachment of the dipstick tube is necessary to ensure correct crankcase sealing and system operation. The Engine Coolant Temperature (ECT) sensor locking retainer had been broken. A foam pad located in the engine valley was missing.

37. Furthermore, in reviewing the invoice provided to the operator by Respondent Romita, T.H.'s analysis revealed that Respondent Romita had failed to mention that DTC P0032 was stored in the PCM memory. The invoice stated that the check engine light was present for DTC P0035, however this was recorded after Respondent Romita had performed unnecessary engine repairs. Prior to the 2007 Dodge's release, DTC P0035 was not stored in the PCM memory. The invoice stated the engine cylinder # 7 compression tested approximately 20 pounds per square inch (psi) lower than a good cylinder. Respondent Romita did not provide engine compression test results for all cylinders to confirm that cylinder # 7 was outside the manufacturer's specifications and to justify further teardown of the left cylinder head for inspection. Furthermore, the manufacture allowed a maximum of 25% variation between

cylinders. Respondent Romita's own test results confirmed that cylinder # 7 compression was within specification, and a teardown of the left cylinder head and replacement of cylinder # 7 pushrods were not needed.

38. Additionally, T.H. found replacement of the spark plugs, repairs to the cylinder heads, and new pushrods were not needed to correct the introduced malfunction. The invoice stated a Multi Displacement System (MDS) solenoid was replaced, and T.H. found the MDS solenoid on cylinder 1 was replaced. The MDS solenoids were in good working condition, not in need of replacement, and not needed to correct the introduced malfunction. T.H. verified that the left upstream O2 sensor had been replaced. This repair was not mentioned, listed on the invoice, or needed to correct the introduced malfunction. T.H. verified that the ground wire had been repaired as described on the invoice. This was the only repair needed to correct the introduced malfunction. This diagnosis and repair was performed only after Respondent Romita had already completed the unnecessary engine repairs.

39. T.H. found that the most serious deficiency was the extensive and unnecessary repairs performed that included removing the cylinder heads, replacing the related parts, and completing related labor – before Respondent Romita correctly diagnosed and repaired the introduced malfunction. The only repair required to repair the 2007 Dodge's illuminated MIL, left upstream O2 sensor heater circuit fault, engine misfire condition, and to restore normal vehicle operation was to properly diagnose and repair the open ground wire for the left upstream O2 sensor heater circuit, followed by clearing the stored DTCs from the PCM memory.

40. On or about May 27, 2026, Bureau representative J.B. made a field visit to Respondent Romita's facility and met with Respondent Rodriguez and A.A., his daughter and operations manager. Both identified the technician who worked on the 2007 Dodge as Roberto, but stated he was too busy working on another vehicle to speak with J.B. about the work performed on the 2007 Dodge. J.B. provided Respondent Rodriguez and A.A. with a records request for all records related to the 2007 Dodge. Respondent Rodriguez and Abby agreed to provide the records by May 29, 2026.

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41. On or about May 27, 2026, J.B. made a field visit to Ron's Machine Shop (RMS) and met with S.Y., the owner. S.Y. stated that Respondent Romita sublet the machine work and valve job on the 2007 Dodge. S.Y. stated that Respondent Romita had him perform a valve job to both cylinder heads, checked the heads for cracks, performed a valve grind, and resurfaced the cylinder heads.

42. On or about May 28, 2026. J.B. received records from Respondent Rodriguez. Respondent Rodriguez did not provide their copy of the RMS invoice.

43. On or about June 2, 2026, J.B. called Respondent Rodriguez to discuss the repairs performed on the 2007 Dodge. Respondent Rodriguez stated that he did not perform the work on the 2007 Dodge but was involved in the testing and had firsthand knowledge of what had been done with the 2007 Dodge.

44. J.B. found that Respondent Romita had performed extensive and unnecessary repairs, which included removing both cylinder heads, replacing parts associated with the cylinder head removal, and the extensive labor related to cylinder head removal before properly diagnosing the root cause: an open ground circuit for the left upstream O2 sensor. The only repair needed to resolve all symptoms was correcting the circuit fault and clearing the DTCs from the PCM memory. Respondent Romita also replaced the spark plugs even after the replacement had been declined by the operator. In addition, Respondent Romita placed an O2 sensor and the MDS solenoid without notifying the operator or obtaining authorization. Respondent Romita generated a false and misleading invoice and made false and misleading statements to justify the repairs.

45. Additionally, the records provided by Respondent Rodriguez in response to the records request did not match the statements recorded on the records Respondent Romita provided the operator. The operator's invoice reported results of the compression test of a 20-psi variance in comparison to a known good cylinder, but the records Respondent Rodriguez provided showed a variance of about 60-psi. The records Respondent Rodriguez provided showed DTC P0032 was active, but the technician stated DTC P0032 was pending. The introduced malfunction was an active circuit failure in the O2 sensor heater circuit, and it was documented.

46. Bureau representative J.B. determined that Respondent had charged $3,321.73 for parts and labor that were unnecessary.

FIRST CAUSE FOR DISCIPLINE

(False or Misleading Statements- Respondent Romita)

47. Respondent Romita's registration is subject to disciplinary action pursuant to Code section 9884.7, subdivision (a)(1), in conjunction with CCR sections 3371 and 3373, in that Respondent Romita made or authorized statements which it knew or in the exercise of reasonable care should have known to be untrue or misleading, as set forth above in paragraphs 21 through 46, above.

SECOND CAUSE FOR DISCIPLINE

(Fraud - Respondent Romita)

48. Respondent Romita's registration is subject to disciplinary action pursuant to Code section 9884.7, subdivision (a)(4), in that Respondent Romita and Respondent Rodriguez fraudulently charged and accepted $3,321.73 for parts and labor not necessary, as set forth in paragraphs 21 through 46, above.

THIRD CAUSE FOR DISCIPLINE

(Failure to Comply with the Automotive Repair Act - Respondent Romita)

49. Respondent Romita's registration is subject to disciplinary action pursuant to Code section 9884.7, subdivision (a)(6), in that Respondent Romita failed to materially comply with provisions of the Automobile Repair Act regarding the Bureau's 2007 Dodge, as set forth in paragraphs 21 through 46, above, and as follows:

a. **Section 3353.1, subdivision (a)**: Respondent Romita failed to obtain proper authorization from the operator before replacing the spark plugs.

b. **Section 3356, subdivision (c)(1)**: The final invoice did not record all repairs performed, including any diagnosis or warrant repairs, and the prices for each.

c. **Section 3356, subdivision (c)(2)**: The final invoice did not describe the parts supplied as new, used, reconditioned, or rebuilt.

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FOURTH CAUSE FOR DISCIPLINE

(Willful Departure from or Disregard of Accepted Trade Standards - Respondent Romita)

50. Respondent Romita's registration is subject to disciplinary action pursuant to Code section 9884.7, subdivision (a)(7), in that it willfully departed from or disregarded accepted trade standards for good and workmanlike repair regarding the 2007 Dodge, as set forth in paragraphs 21 through 46, above, and as follows:

a. Respondent Romita damaged the mounting boss threads on number one ignition coil which prevented the ignition coil from being properly secured.

b. Respondent Romita failed to properly secure the engine oil dipstick to the right-side exhaust manifold.

c. Respondent Romita broke the Engine Coolant Temperature (ECT) sensor locking retainer.

d. A foam pad located in the engine valley was missing.

FIFTH CAUSE FOR DISCIPLINE

(Failure to Comply with Invoice Requirements - Respondent Romita)

51. Respondent Romita's registration is subject to disciplinary action pursuant to Code section 9884.8, in that it failed to comply with invoice requirements regarding the 2007 Dodge, as set forth in paragraphs 21 through 46, above, and as follows:

a. Respondent Romita replaced an O2 Sensor without authorization and neither of Respondent Romita's invoices documented this component or authorization.

b. Respondent Romita replaced the MDS solenoid without authorization. Respondent Romita's invoice showed the authorization to replace the MDS solenoid was given on March 10, 2026, when, in fact, authorization was not given.

SIXTH CAUSE FOR DISCIPLINE

(Failure to Comply with Estimate and Authorization Requirements - Respondent Romita)

52. Respondent Romita's registration is subject to disciplinary action pursuant to Code section 9884.9, subdivision (a), in conjunction with CCR section 3354, subdivision (a)(2), regarding estimate and authorization requirements when Respondent Romita failed to comply

with estimate and authorization requirements regarding the 2007 Dodge, as set forth in paragraphs 21 through 46, above, and as follows:

a. Respondent Romita replaced an O2 Sensor without authorization and neither of Respondent Romita's invoices documented this component or authorization.

b. Respondent Romita replaced the MDS solenoid without authorization. Respondent Romita's invoice showed the authorization to replace the MDS solenoid was given on March 10, 2026, when, in fact, authorization was not given.

c. Respondent Romita stated the spark plugs were in the original estimate and were replaced after the operator declined this repair.

SEVENTH CAUSE FOR DISCIPLINE

(Failure to Produce Maintenance and Repair Records - Respondent Romita)

53. Respondent Romita's registration is subject to disciplinary action pursuant to Code section 9884.11, in conjunction with CCR section 3358, subdivision (a), in that Respondent Romita failed to provide a copy of the RMS invoice, as set forth in paragraph 42, above.

EIGHTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud, Deceit - Respondent Romita)

54. Respondent Romita's license is subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent Romita and Respondent Rodriguez committed dishonest, fraudulent, or deceitful acts whereby another was injured when it charged and accepted $3,321.73 for parts and labor not necessary, as set forth in paragraphs 21 through 46, above.

NINTH CAUSE FOR DISCIPLINE

(Failure to Comply with Provisions of the Automotive Repair Act – Respondent Romita)

55. Respondent Romita's registration is subject to disciplinary action pursuant to Code section 9884.7, subdivision (a)(6), as set forth in paragraph 57, below, and when Respondent continued to violate provisions of the Automotive Repair Act, as set forth in paragraphs 21 through 54, above, despite participating in a Proactive Conference and Office Conference where Respondent Romita and Respondent Rodriguez were advised that compliance was necessary.

TENTH CAUSE FOR DISCIPLINE

(Dishonesty, Fraud, Deceit - Respondent Rodriguez)

56. Respondent Rodriguez's smog check inspector license and smog check repair technician license are subject to disciplinary action pursuant to Health & Saf. Code section 44072.2, subdivision (d), in that Respondent Rodriguez committed dishonest, fraudulent, or deceitful acts whereby another was injured when he allowed for the charging and acceptance of $3,321.73 for parts and labor not necessary, as set forth in paragraphs 21 through 46, above.

DISCIPLINARY CONSIDERATIONS

57. To determine the degree of discipline, if any, to be imposed, Complainant alleges the following:

a. On or about August 3, 2022, the Bureau held a Proactive Conference with Respondent Rodriguez, as owner of Respondent Romita, and identified several violations of the Automotive Repair Act, including making untrue or misleading statements and/or create false records; and discussed estimate, authorization, invoice requirements, and accepted trade standards pertaining to suspension ball joints. Respondent Rodriguez was notified that his failure to comply with the provisions of the Automotive Repair Act could result in disciplinary action.

b. On or about March 28, 2024, the Bureau held an Office Conference with Respondent Rodriguez, as a member of Respondent Romita, as a result of investigating multiple consumer complaints. The Bureau identified several violations of the Automotive Repair Act, including untrue or misleading statements, estimate and authorization requirements, generating false records, and charging for repairs they did not perform. Respondent Rodriguez was notified that his failure to comply with the provisions of the Automotive Repair Act could result in disciplinary action.

OTHER MATTERS

58. 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 Romita Auto Service upon a finding that it has, or is, engaging in a course of repeated and willful violation of the laws and regulations pertaining to an automotive repair dealer.

59. Pursuant to Health and Safety Code section 44072.8, if Smog Check, Test-and-Repair, Station License Number RC 298711, issued to Romita Automotive Service LLC, doing business as Romita Auto Service, is revoked or suspended, any additional license issued under this chapter in the name of said licensee may be likewise revoked or suspended by the director.

60. Pursuant to Health and Safety Code section 44072.8, if Smog Check Inspector License No. EO 154541 and Smog Check Repair Technician License No. EI 154541, issued to Nestor Anguiano Rodriguez, is revoked or suspended, any additional license issued under this chapter 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 the Department of Consumer Affairs issue a decision:

1. Revoking or suspending Automotive Repair Dealer Registration Number ARD 298711, issued to Romita Automotive Service LLC, doing business as Romita Auto Service, with Nestor Anguiano Rodriguez and Maria Ramirez Gonzalez as members;

2. Revoking or suspending Smog Check, Test-and-Repair, Station License Number RC 298711, issued to Romita Automotive Service LLC, doing business as Romita Auto Service, with Nestor Anguiano Rodriguez and Maria Ramirez Gonzalez as members;

3. Revoking or suspending any other automotive repair dealer registration issued to Romita Automotive Service LLC, doing business as Romita Auto Service;

4. Revoking or suspending any other automotive repair dealer registration or license issued to Nestor Anguiano Rodriguez;

5. Revoking or suspending any other automotive repair dealer registration or license issued to Maria Ramirez Gonzalez.

6. Revoking or suspending Smog Check Inspector License Number EO 154541, issued to Nestor Anguiano Rodriguez;

7. Revoking or suspending Smog Check Repair Technician License Number EI 154541, issued to Nestor Anguiano Rodriguez;

8. Revoking or suspending any additional licenses issued under chapter 5 of part 5 of division 26 of the Health and Safety Code in the name of Nestor Anguiano Rodriguez;

9. Ordering Romita Automotive Service LLC, doing business as Romita Auto Service; Nestor Anguiano Rodriguez; and Maria Ramirez Gonzalez to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3 and if placed on probation, the costs of probation monitoring; and,

10. 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: 2026.09.10 15:38:33 -07'00'

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

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