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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:

Case No. 79/14-87

**FAST EDDIES SMOG;  
EDWARD RICHARD ORTIZ, OWNER**  
9519 E. Alondra Blvd., Unit C  
Bellflower, CA 90706

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

Mailing Address  
11228 Adoree Street  
Norwalk, CA 90650

**Automotive Repair Dealer Registration No.  
ARD 266412  
Smog Check Test Only Station License No.  
TC 266412**

Respondent.

**FINDINGS OF FACT**

1. On or about January 17, 2014, Complainant Patrick Dorais, in his official capacity as the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs, filed Accusation No. 79/14-87 against Edward Richard Ortiz, owner of Fast Eddies Smog (Respondent), before the Director of Consumer Affairs. (Accusation No. 79/14-87 attached as Exhibit A.)

1           2.     On or about August 29, 2011, the Director of Consumer Affairs (Director) issued  
2 Automotive Repair Dealer Registration Number. ARD 266412 (registration) to Respondent  
3 Edward Richard Ortiz, doing business as Fast Eddies Smog. The Automotive Repair Dealer  
4 Registration expired on August 31, 2014, and has not been renewed.

5           3.     On or about August 8, 2012, the Director issued Smog Check Test Only Station  
6 License Number. TC 266412 (station license) to Respondent Edward Richard Ortiz, doing  
7 business as Fast Eddies Smog. The station license expired on August 31, 2014, and has not been  
8 renewed.

9           4.     On or about February 11, 2014, Respondent was served by Certified and First Class  
10 Mail copies of Accusation No. 79/14-87, Statement to Respondent, Notice of Defense, Request  
11 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and  
12 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code  
13 section 136, is required to be reported and maintained with the Bureau, which was and is:

14     **11228 Adore St.**  
15     **Norwalk, CA 90650.**

16           5.     Accusation No. 79/14-87, and the related documents referenced in paragraph 4,  
17 above, were additionally served by Certified and First Class Mail to Respondent's business  
18 address:

19     **9519 E. Alondra Blvd., Unit C**  
20     **Bellflower, CA 90706**

21           6.     Service of the Accusation was effective as a matter of law under the provisions of  
22 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
23 124.

24           7.     On or about May 8, 2014, the aforementioned documents were returned by the U.S.  
25 Postal Service marked "Attempted – Not Know, Unable to Forward, Return to Sender."

26           8.     Government Code section 11506 states, in pertinent part:

27                 (c) The respondent shall be entitled to a hearing on the merits if the respondent  
28 files a notice of defense, and the notice shall be deemed a specific denial of all parts  
of the accusation not expressly admitted. Failure to file a notice of defense shall

1 constitute a waiver of respondent's right to a hearing, but the agency in its discretion  
2 may nevertheless grant a hearing.

3 9. Respondent failed to file a Notice of Defense within 15 days after service upon him  
4 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.  
5 79/14-87.

6 10. California Government Code section 11520 states, in pertinent part:

7 (a) If the respondent either fails to file a notice of defense or to appear at the  
8 hearing, the agency may take action based upon the respondent's express admissions  
9 or upon other evidence and affidavits may be used as evidence without any notice to  
10 respondent.

11 11. Pursuant to its authority under Government Code section 11520, the Director after  
12 having reviewed the proof of service dated February 11, 2014, signed by Cynthia Vuu, (and  
13 return envelope) finds Respondent is in default. The Director will take action without further  
14 hearing and, based on Accusation, No. 79/14-87, proof of service and on the Affidavit of Bureau  
15 Representative Brian Vu, finds that the allegations in Accusation are true.

#### 16 DETERMINATION OF ISSUES

17 1. Based on the foregoing findings of fact, Respondent Edward Richard Ortiz, owner of  
18 Fast Eddies Smog, has subjected his Automotive Repair Dealer Registration No. ARD 266412  
19 and Smog Check Test Only Station License No. TC 266412 to discipline.

20 2. The agency has jurisdiction to adjudicate this case by default.

21 3. The Director of Consumer Affairs is authorized to revoke Respondent's Automotive  
22 Repair Dealer Registration based upon the following violations alleged in the Accusation which  
23 are supported by the evidence contained in the affidavit of Bureau Representative Brian Vu in this  
24 case.:

25 a. Violation of Business and Professions Code section 9884.7, subdivision (a)(1) -  
26 Untrue and Misleading Statements – related to eight (8) electronic certificates fraudulently issued  
27 on August 15, 2013.

28 b. Violation of Business and Professions Code section 9884.7, subdivision (a)(4) -  
29 Fraud – related to eight (8) electronic certificates fraudulently issued on August 15, 2013.

///

1           4.    The Director of Consumer Affairs is authorized to revoke Respondent's Smog Check  
2 Test Only Station License based upon the following violations alleged in the Accusation which  
3 are supported by the evidence contained in the affidavit of Bureau Representative Brian Vu in this  
4 case.:

5           a.    Violation of Health and Safety Code section 44012, subdivision (a), -  
6 Respondent failed to determine that all emission control devices and systems required by law  
7 were installed and functioning correctly in accordance with test procedures.

8           b.    Violation of Health and Safety Code section 44012, subdivision (f), -  
9 Respondent failed to perform emission control tests on those vehicles in accordance with  
10 procedures prescribed by the department.

11           c.    Violation of Health and Safety Code section 44015, subdivision (b), -  
12 Respondent issued electronic certificates of compliance without properly testing and inspecting  
13 the vehicles to determine if they were in compliance with Health and Safety Code section 44012.

14           d.    Violation of Health and Safety Code section 44059, - Respondent made false  
15 entries for the electronic certificates of compliance by certifying that those vehicles had been  
16 inspected as required when, in fact, they had not.

17           e.    Violation of California Code of Regulations, title 16, section 3340.24,  
18 subdivision (c) – Respondent falsely or fraudulently issued electronic certificates of compliance  
19 without performing bona fide inspections of the emission control devices and systems on those  
20 vehicles as required by Health and Safety Code section 44012.

21           f.    Violation of California Code of Regulations, title 16, section 3340.35,  
22 subdivision (c) – Respondent issued electronic certificates of compliance even though those  
23 vehicles had not been inspected in accordance with California Code of Regulations, title 16,  
24 section 3340.42.

25           g.    Violation of California Code of Regulations, title 16, section 3340.42 –  
26 Respondent failed to conduct the required smog tests and inspections on those vehicles in  
27 accordance with the Bureau's specifications.

28    ///

1 h. Violation of Health and Safety Code section 44072.2, subdivision (d), -  
2 Respondent committed acts involving dishonesty, fraud, or deceit whereby another was injured  
3 by issuing electronic certificates of compliance for vehicles without performing bona fide  
4 inspections of the emission control devices and systems on those vehicles, thereby depriving the  
5 People of the State of California of the protection afforded by the Motor Vehicle Inspection  
6 Program.

7 **ORDER**

8 **IT IS SO ORDERED** that Automotive Repair Dealer Registration Number ARD 266412,  
9 heretofore issued to Respondent Edward Richard Ortiz, doing business as Fast Eddies Smog, is  
10 revoked.

11 **IT IS FURTHER ORDERED** that Smog Check Test Only Station License Number  
12 TC 266412, heretofore issued to Respondent Edward Richard Ortiz, doing business as Fast  
13 Eddies Smog, is revoked.

14 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a  
15 written motion requesting that the Decision be vacated and stating the grounds relied on within  
16 seven (7) days after service of the Decision on Respondent. The motion should be sent to the  
17 Bureau of Automotive Repair, ATTN: William D. Thomas, 10949 North Mather Blvd, Rancho  
18 Cordova, CA 95670. The agency in its discretion may vacate the Decision and grant a hearing  
19 on a showing of good cause, as defined in the statute.

20 This Decision shall become effective on February 25, 2015

21 It is so ORDERED January 5, 2015

22   
23 \_\_\_\_\_  
24 TAMARA COLSON  
25 Assistant General Counsel  
26 Department of Consumer Affairs

26 51641952.DOCX  
27 DOJ Matter ID: LA2013510403

28 Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation No. 79/14-87

1 KAMALA D. HARRIS  
Attorney General of California  
2 ARMANDO ZAMBRANO  
Supervising Deputy Attorney General  
3 ALVARO MEJIA  
Deputy Attorney General  
4 State Bar No. 216956  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-0083  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*  
7

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

10 In the Matter of the Accusation Against:

Case No. 79/14-87

11 **FAST EDDIES SMOG;**  
12 **EDWARD RICHARD ORTIZ, Owner**  
13 9519 E. Alondra Blvd, Unit C  
Bellflower, CA 90706

**ACCUSATION**

(Smog Check)

14 Mailing Address  
15 11228 Adoree Street  
Norwalk, CA 90650

16 **Automotive Repair Dealer Registration**  
17 **No. ARD 266412, Smog Check Test Only**  
**Station License No. TC 266412,**

18 **PETER NGOC DIEP**  
19 1110 E. Carson Street, #6  
Long Beach, CA 90807

20 **Advanced Emission Specialist Technician**  
21 **License No. EA 635057 (to be redesignated**  
**upon renewal as EO 635057 and/or EI 635057)**

22 **and**

23 **MINH QUANG TRAN**  
24 13071 Dunklee Avenue  
Garden Grove, CA 92840

25 **Smog Check Inspector License No. EO 147492**  
26 **and Smog Check Repair Technician License**  
**No. EI 147492 (formerly Advanced Emission**  
27 **Specialist Technician License No. EA 147492)**

28 Respondents.

1 Complainant alleges:

2 **PARTIES**

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

5 **Fast Eddies Smog**

6 2. On or about August 29, 2011, the Director of Consumer Affairs (Director) issued  
7 Automotive Repair Dealer Registration Number ARD 266412 to Fast Eddies Smog; Edward  
8 Richard Ortiz, Owner (Respondent Fast Eddies Smog). The Automotive Repair Dealer  
9 Registration was in full force and effect at all times relevant to the charges brought herein and  
10 will expire on August 31, 2014, unless renewed.

11 3. On or about August 8, 2012, the Director issued Smog Check Test Only Station  
12 License Number TC 266412 to Respondent Fast Eddies Smog. The Smog Check Test Only  
13 Station License was in full force and effect at all times relevant to the charges brought herein and  
14 will expire on August 31, 2014, unless renewed.

15 **Peter Ngoc Diep**

16 4. On or about December 20, 2012, the Director issued Advanced Emission Specialist  
17 Technician License Number EA 635057 to Peter Ngoc Diep (Respondent Diep). The Advanced  
18 Emission Specialist Technician License was in full force and effect at all times relevant to the  
19 charges brought herein. Respondent Diep's technician license is due to expire on October 31,  
20 2014. Upon timely renewal of the license, the license will be redesignated as EO 635057 and/or  
21 EI 635057.<sup>1</sup>

22 ///

23 ///

24 ///

25 ///

26 <sup>1</sup> Effective August 1, 2012, California Code of Regulations, title 16, sections 3340.28,  
27 3340.29, and 3340.30 were amended to implement a license restructure from the Advanced  
28 Emission Specialist Technician (EA) license and Basic Area (EB) Technician license to Smog  
Check Inspector (EO) license and/or Smog Check Repair Technician (EI) license.







**Table 1 (August 15, 2013)**

| Test No. | Test Times | Vehicle in EIS Data<br>(License Plate #) | Vehicle Tested<br>(License Plate #)      | Certificate<br>Issued |
|----------|------------|--|--|-----------------------|
| 1        | 1748-1806  | 2007 Lexus ES350<br>(5WDR498)            | 2007 Lexus ES350<br>(5WDR498)            | None                  |
| 2        | 1810-1815  | 2007 Lexus ES350<br>(5WDR498)            | 2008 Honda Civic<br>(6EAW508)            | XX458983C             |
| 3        | 1819-1825  | 1995 Ford Mustang<br>(3LCS526)           | 2008 Honda Civic<br>(6EAW508)            | XX458984C             |
| 4        | 1830-1835  | 1999 Lincoln Navigator<br>(EDERRI)       | 2008 Honda Civic<br>(6EAW508)            | XX458985C             |
| 5        | 1839-1845  | 1999 Honda Civic<br>(6MAR802)            | 2008 Honda Civic<br>(6EAW508)            | XX458986C             |
| 6        | 1850-1854  | 2005 BMW 645Ci<br>(6RCZ364)              | 2008 Honda Civic<br>(6EAW508)            | XX458987C             |
| 7        | 1857-1901  | 1996 Ford Mustang<br>(6TVN208)           | 2008 Honda Civic<br>(6EAW508)            | XX458988C             |
| 8        | 1907-1912  | 2001 Ford Mustang<br>Coupe (6HYG093)     | 2008 Honda Civic<br>(6EAW508)            | XX458989C             |
| 9        | 1917-1922  | 2000 Nissan Xterra 4WD<br>(4GUN674)      | 2008 Honda Civic<br>(6EAW508)            | XX458990C             |
| 10       | 1927       | 1996 Chevrolet Impala<br>(5JEF981)       | 1994 Chevrolet C1500<br>pickup (56441C1) | None                  |

19. In fact, on or about August 15, 2013, Respondents performed the smog inspections using the clean piping method by utilizing the tail pipe emissions of vehicles other than the vehicles being certified in order to issue the electronic certificates of compliance. The vehicles certified were not in the test bay at the time of the smog inspections. Specifically, Respondents used the clean piping method to certify and issue certificates of compliance for vehicles by using Respondent Diep's Smog Check Technician confidential access code knowing that Respondent Diep was the only Smog Check Technician assigned at Respondent Fast Eddies Smog's station. Respondent Tran did not use his assigned Smog Check Inspector access code to perform any of these inspections, and could not use his assigned access code because he was not assigned to Respondent Fast Eddies Smog's station. Respondent Tran did use his personal vehicle, a 2008 Honda Civic, for the clean piping of eight (8) of the vehicles listed in Table 1, above.

1 FIRST CAUSE FOR DISCIPLINE

2 (Misleading Statements)

3 20. Respondent Fast Eddies Smog has subjected his registration to discipline under Bus.  
4 & Prof. Code section 9884.7, subdivision (a)(1), in that on or about August 15, 2013, he made  
5 statements which he knew or which by exercise of reasonable care he should have known were  
6 untrue or misleading when he issued electronic certificates of compliance for the vehicles set  
7 forth in Table 1, above, certifying that those vehicles were in compliance with applicable laws  
8 and regulations when, in fact, the vehicles had been clean piped.

9 SECOND CAUSE FOR DISCIPLINE

10 (Fraud)

11 21. Respondent Fast Eddies Smog has subjected his registration to discipline under Bus.  
12 & Prof. Code section 9884.7, subdivision (a)(4), in that on or about August 15, 2013, he  
13 committed acts which constitute fraud by issuing electronic certificates of compliance for the  
14 vehicles set forth in Table 1, above, without performing bona fide inspections of the emission  
15 control devices and systems on those vehicles, thereby depriving the People of the State of  
16 California of the protection afforded by the Motor Vehicle Inspection Program.

17 THIRD CAUSE FOR DISCIPLINE

18 (Violation of the Motor Vehicle Inspection Program)

19 22. Respondent Fast Eddies Smog has subjected his station license to discipline under  
20 Health & Saf. Code section 44072.2, subdivision (a), in that on or about August 15, 2013,  
21 regarding the vehicles set forth in Table 1, above, he violated sections of that Code, as follows:

22 a. **Section 44012, subdivision (a):** Respondent Fast Eddies Smog failed to determine  
23 that all emission control devices and systems required by law were installed and functioning  
24 correctly in accordance with test procedures.

25 b. **Section 44012, subdivision (f):** Respondent Fast Eddies Smog failed to perform  
26 emission control tests on those vehicles in accordance with procedures prescribed by the  
27 department.

28 ///

1 c. **Section 44015, subdivision (b):** Respondent Fast Eddies Smog issued electronic  
2 certificates of compliance without properly testing and inspecting the vehicles to determine if  
3 they were in compliance with section 44012 of that Code.

4 d. **Section 44059:** Respondent Fast Eddies Smog willfully made false entries for the  
5 electronic certificates of compliance by certifying that those vehicles had been inspected as  
6 required when, in fact, they had not.

7 **FOURTH CAUSE FOR DISCIPLINE**

8 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

9 23. Respondent Fast Eddies Smog has subjected his station license to discipline under  
10 Health & Saf. Code section 44072.2, subdivision (c), in that on or about August 15, 2013,  
11 regarding the vehicles set forth in Table 1, above, he violated sections of the California Code of  
12 Regulations, title 16, as follows:

13 a. **Section 3340.24, subdivision (c):** Respondent Fast Eddies Smog falsely or  
14 fraudulently issued electronic certificates of compliance without performing bona fide inspections  
15 of the emission control devices and systems on those vehicles as required by Health & Saf. Code  
16 section 44012.

17 b. **Section 3340.35, subdivision (c):** Respondent Fast Eddies Smog issued electronic  
18 certificates of compliance even though those vehicles had not been inspected in accordance with  
19 section 3340.42 of that Code.

20 c. **Section 3340.42:** Respondent Fast Eddies Smog failed to conduct the required smog  
21 tests and inspections on those vehicles in accordance with the Bureau's specifications.

22 **FIFTH CAUSE FOR DISCIPLINE**

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

24 24. Respondent Fast Eddies Smog subjected his station license to discipline under Health  
25 & Saf. Code section 44072.2, subdivision (d), in that on or about August 15, 2013, regarding the  
26 vehicles set forth in Table 1, above, he committed acts involving dishonesty, fraud or deceit  
27 whereby another was injured by issuing electronic certificates of compliance for those vehicles  
28 without performing bona fide inspections of the emission control devices and systems on those

1 vehicles, thereby depriving the People of the State of California of the protection afforded by the  
2 Motor Vehicle Inspection Program.

3 **SIXTH CAUSE FOR DISCIPLINE**

4 **(Violations of the Motor Vehicle Inspection Program)**

5 25. Respondent Tran has subjected his Smog Check Inspector and Smog Check Repair  
6 Technician licenses to discipline under Health & Saf. Code section 44072.2, subdivision (a), in  
7 that on or about August 15, 2013, regarding the vehicles set forth in Table 1, he violated sections  
8 of that Code, as follows:

9 a. **Section 44012, subdivision (a):** Respondent Tran failed to determine that all  
10 emission control devices and systems required by law were installed and functioning correctly in  
11 accordance with test procedures.

12 b. **Section 44012, subdivision (f):** Respondent Tran failed to perform emission control  
13 tests on those vehicles in accordance with procedures prescribed by the department.

14 c. **Section 44032:** Respondent Tran failed to perform tests of the emission control  
15 devices and systems on those vehicles in accordance with section 44012 of that Code, in that  
16 those vehicles had been clean piped.

17 d. **Section 44059:** Respondent Tran willfully made false entries for the electronic  
18 certificates of compliance by certifying that those vehicles had been inspected as required when,  
19 in fact, they had not.

20 **SEVENTH CAUSE FOR DISCIPLINE**

21 **(Violations of Regulations Pursuant to the Motor Vehicle Inspection Program)**

22 26. Respondent Tran has subjected his Smog Check Inspector and Smog Check Repair  
23 Technician licenses to discipline under Health & Saf. Code section 44072.2, subdivision (c), in  
24 that on or about August 15, 2013, regarding the vehicles set forth in Table 1, he violated sections  
25 of the California Code of Regulations, title 16, as follows:

26 a. **Section 3340.24, subdivision (c):** Respondent Tran falsely or fraudulently issued  
27 electronic certificates of compliance without performing bona fide inspections of the emission  
28 control devices and systems on those vehicles as required by Health & Saf. Code section 44012.



1 d. **Section 3340.45:** Respondent Diep failed to safeguard his confidential access code  
2 and/or allowed another person to use his access code to perform Smog Check inspections, and  
3 therefore failed to follow the procedures prescribed in the Bureau's Smog Check Inspection  
4 Procedures Manual, dated August 2009, section 1.1.0, which required that each technician must  
5 maintain the security of his access code and prohibits the disclosure of one's access code to  
6 another.

7 **OTHER MATTERS**

8 29. Under Code section 9884.7, subdivision (c), the director may invalidate temporarily  
9 or permanently or refuse to validate, the registrations for all places of business operated in this  
10 state by Edward Richard Ortiz, including, but not limited to Fast Eddies Smog (ARD 266412)  
11 upon a finding that he has, or is, engaged in a course of repeated and willful violations of the laws  
12 and regulations pertaining to an automotive repair dealer.

13 30. Under Health and Safety Code section 44072.8, if Station License No. TC 266412,  
14 issued to Edward Richard Ortiz is revoked or suspended, any additional license issued under this  
15 chapter in the name of said licensee, including, but not limited to Fast Eddies Smog (TC 266412)  
16 may be likewise revoked or suspended by the director.

17 31. Under Health and Safety Code section 44072.8, if Respondent Diep's Advanced  
18 Emission Specialist Technician License No. EA 635057 (to be redesignated upon renewal as  
19 EO 635057 and/or EI 635057) is revoked or suspended, any additional license issued under this  
20 chapter in the name of said licensee may be likewise revoked or suspended by the director.

21 32. Under Health and Safety Code section 44072.8, if Respondent Tran's Smog Check  
22 Inspector License No. EO 147492 and/or Smog Check Repair Technician License No. EI 147492  
23 are revoked or suspended, any additional license issued under this chapter in the name of said  
24 licensee may be likewise revoked or suspended by the director.

25 **PRAYER**

26 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
27 and that following the hearing, the Director of Consumer Affairs issue a decision:

- 28 1. Revoking or suspending Automotive Repair Dealer Registration No. ARD 266412,

- 1 issued to Fast Eddies Smog; Edward Richard Ortiz, Owner;
- 2 2. Revoking or suspending any other automotive repair dealer registration issued in the  
3 name of Edward Richard Ortiz;
- 4 3. Revoking or suspending Smog Check Test Only Station License No. TC 266412,  
5 issued to Fast Eddies Smog; Edward Richard Ortiz, Owner;
- 6 4. Revoking or suspending any additional license issued under this chapter in the name  
7 of Edward Richard Ortiz;
- 8 5. Revoking or suspending Advanced Emission Specialist Technician License No.  
9 EA 635057 (to be redesignated upon renewal as EO 635057 and/or EI 635057), issued to Peter  
10 Ngoc Diep;
- 11 6. Revoking or suspending any additional license issued under this chapter in the name  
12 of Peter Ngoc Diep;
- 13 7. Revoking or suspending Smog Check Inspector License No. EO 147492 issued to  
14 Minh Quang Tran;
- 15 8. Revoking or suspending Smog Check Repair Technician License No. EI 147492  
16 issued to Minh Quang Tran;
- 17 9. Revoking or suspending any additional license issued under this chapter in the name  
18 of Minh Quang Tran;
- 19 10. Ordering Edward Richard Ortiz, Peter Ngoc Diep, and Minh Quang Tran to pay the  
20 Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this  
21 case, pursuant to Business and Professions Code section 125.3; and
- 22 11. Taking such other and further action as deemed necessary and proper.

23  
24 DATED:

*January 17, 2014*

*Patrick Doraïs*

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

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28 DOJ Matter ID: LA2013510403  
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