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7

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

11 In the Matter of the Accusation Against:  
12 **HONDA ACURA SPECIALIST;**  
13 **BUNTHOEUN NAMLONG, Owner**  
765 Gifford Ave., Unit 16  
San Bernardino, CA 92408  
14  
Mailing Address  
15 6084 Orange Knoll Ave.  
San Bernardino, CA 92404  
16  
**Automotive Repair Dealer Registration**  
17 **No. ARD 272942**  
18  
Respondent.

Case No. 77/16-19  
**A C C U S A T I O N**

19  
20 Complainant alleges:

21 **PARTIES**

- 22 1. Patrick Dorais (Complainant) brings this Accusation solely in his official capacity  
23 as the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs.  
24 2. On May 8, 2013, the Bureau of Automotive Repair issued Automotive Repair  
25 Dealer Number ARD 272942 to Honda Acura Specialist, Bunthoeun Namlong, owner  
26 (Respondent). The Automotive Repair Dealer Registration expired on May 31, 2014, and has not  
27 been renewed.

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**JURISDICTION**

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

5       4.       Business and Professions Code (Code) section 9884.7 provides that the Director  
6 may revoke an automotive repair dealer registration.

7       5.       Code section 22, subdivision (a), states:

8               “Board” as used in any provision of this Code, refers to the board in which  
9 the administration of the provision is vested, and unless otherwise expressly  
10 provided, shall include “bureau,” “commission,” “committee,” “department,”  
11 “division,” “examining committee,” “program,” and “agency.”

12       6.       Code section 477, subdivision (b), states, in pertinent part, that a “license” includes  
13 “registration” and “certificate.”

14       7.       Code section 9884.13 provides, in pertinent part, that the expiration of a valid  
15 registration shall not deprive the Director of jurisdiction to proceed with a disciplinary proceeding  
16 against an automotive repair dealer or to render a decision temporarily or permanently  
17 invalidating (suspending or revoking) a registration.

18       8.       Code section 9889.1 provides, in pertinent part, that the Director may suspend or  
19 revoke any license issued under Articles 5 and 6 (commencing with section 9887.1) of the  
20 Automotive Repair Act.

21       9.       Code section 9889.7 provides, in pertinent part, that the expiration or suspension  
22 of a license by operation of law or by order or decision of the Director or a court of law, or the  
23 voluntary surrender of a license shall not deprive the Director of jurisdiction to proceed with any  
24 disciplinary proceedings.

25       10.      Code section 9884.13 provides, in pertinent part, that the expiration of a valid  
26 registration shall not deprive the Director of jurisdiction to proceed with a disciplinary proceeding  
27 against an automotive repair dealer or to render a decision temporarily or permanently  
28 invalidating (suspending or revoking) a registration.

///

1 STATUTORY PROVISIONS

2 11. Code section 9884.6 provides, in pertinent part, that it is unlawful for any person  
3 to be an automotive repair dealer unless that person has registered in accordance with this chapter  
4 and unless that registration is currently valid.

5 12. Code section 9884.7 states, in pertinent part:

6 (a) The director, where the automotive repair dealer cannot show there  
7 was a bona fide error, may deny, suspend, revoke, or place on probation the  
8 registration of an automotive repair dealer for any of the following acts or  
9 omissions related to the conduct of the business of the automotive repair dealer,  
10 which are done by the automotive repair dealer or any automotive technician,  
11 employee, partner, officer, or member of the automotive repair dealer.

12 (1) Making or authorizing in any manner or by any means whatever any  
13 statement written or oral which is untrue or misleading, and which is known, or  
14 which by the exercise of reasonable care should be known, to be untrue or  
15 misleading.

16 (2) Causing or allowing a customer to sign any work order that does not  
17 state the repairs requested by the customer or the automobile's odometer reading  
18 at the time of repair.

19 . . . .

20 (4) Any other conduct that constitutes fraud.

21 . . . .

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

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

27 . . . .

28 13. 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.



1 REGULATORY PROVISIONS

2 17. California Code of Regulations, title 16, section (Regulation) 3351.3 states:

3 (a) Except as provided in subsection (b), all automotive repair dealers shall  
4 display the following in a place and manner conspicuous to their customers:

5 (1) A current and valid certificate of registration as an automotive repair  
6 dealer issued by the bureau; and

7 (2) An official automotive repair dealer's sign, which meets the  
8 specifications of the Act and Section 3351.4 of this article. In the event there are  
9 multiple facilities, an official automotive repair dealer's sign shall be displayed in  
10 a place and manner conspicuous to all customers at each location.

11 . . . .

12 18. Regulations section 3353 states:

13 No work for compensation shall be commenced and no charges shall  
14 accrue without specific authorization from the customer in accordance with the  
15 following requirements:

16 (a) Estimate for Parts and Labor. Every dealer shall give to each customer  
17 a written estimated price for parts and labor for a specific job.

18 . . . .

19 19. Regulation section 3356 states:

20 (a) All invoices for service and repair work performed, and parts supplied,  
21 as provided for in Section 9884.8 of the Business and Professions Code, shall  
22 comply with the following:

23 (1) The invoice shall show the automotive repair dealer's registration  
24 number and the corresponding business name and address as shown in the  
25 Bureau's records. If the automotive repair dealer's telephone number is shown, it  
26 shall comply with the requirements of subsection (b) of Section 3371 of this  
27 chapter.

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

(A) All service and repair work performed, including all diagnostic and  
warranty work, and the price for each described service and repair.

(B) 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, or an  
OEM crash part, or a non-OEM aftermarket crash part.

(C) The subtotal price for all service and repair work performed.

1 (D) The subtotal price for all parts supplied, not including sales tax.

2 (E) The applicable sales tax, if any.

3 .....

4 (d) The automotive repair dealer shall give the customer a legible copy of  
5 the invoice and shall retain a legible copy as part of the automotive repair dealer's  
6 records pursuant to Section 9884.11 of the Business and Professions Code and  
7 Section 3358 of this article.

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14 20. Regulation section 3356.1 states:

15 An automotive repair dealer may charge a customer for costs associated  
16 with the handling, management and disposal of toxic wastes or hazardous  
17 substances under California or federal law which directly relate to the servicing or  
18 repair of the customer's vehicle. Such charge must be disclosed to the customer by  
19 being separately itemized on the estimate prepared pursuant to Section 9884.9(a)  
20 of the Business and Professions Code and on the invoice prepared pursuant to  
21 Section 9884.8 of the Business and Professions Code. In order to assess this  
22 charge, the automotive repair dealer must note on the estimate and invoice the  
23 station's Environmental Protection Agency identification number required by  
24 Section 262.12 of Title 40 of the Code of Federal Regulations.

25  
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28 21. Regulation section 3358 states:

Each automotive repair dealer shall maintain legible copies of the  
following records for not less than three years:

.....

(c) All work orders and/or contracts for repairs, parts and labor. All such  
records shall be open for reasonable inspection and/or reproduction by the bureau  
or other law enforcement officials during normal business hours.

22. Regulation section 3371 states:

No 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 following:

.....

23. Regulation 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(f) of this chapter, withhold therefrom or insert therein any statement or

1 information which will cause any such document to be false or misleading, or  
2 where the tendency or effect thereby would be to mislead or deceive customers,  
3 prospective customers, or the public.

4 24. Regulation section 3376 states:

5 All guarantees shall be in writing and a legible copy thereof shall be  
6 delivered to the customer with the invoice itemizing the parts, components, and  
7 labor represented to be covered by such guarantee. A guarantee shall be deemed  
8 false and misleading unless it conspicuously and clearly discloses in writing the  
9 following:

10 (a) The nature and extent of the guarantee including a description of all  
11 parts, characteristics or properties covered by or excluded from the guarantee, the  
12 duration of the guarantee and what must be done by a claimant before the  
13 guarantor will fulfill his obligation (such as returning the product and paying  
14 service or labor charges).

15 (b) The manner in which the guarantor will perform. The guarantor shall  
16 state all conditions and limitations and exactly what the guarantor will do under  
17 the guarantee, such as repair, replacement or refund. If the guarantor or recipient  
18 of the guarantee has an option as to what may satisfy the guarantee, this must be  
19 clearly stated.

20 (c) The guarantor's identity and address shall be clearly revealed in any  
21 documents evidencing the guarantee.

### 22 COST RECOVERY

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

### 29 CONSUMER COMPLAINT (GUTIERREZ): 1988 TOYOTA 4RUNNER

30 26. On October 11, 2013, the Bureau received a complaint from Alberto Gutierrez  
31 (Gutierrez) regarding work performed by Respondent on his 1988 Toyota 4Runner. Re-  
32 inspection by the Bureau, in reference to worked performed by Respondent between July 22,  
33 2013 and August 27, 2013, found Respondent defrauded consumer Gutierrez by charging him  
34 for repair work that was not performed and for parts that were not provided. Upon completion of  
35 the repairs by Respondent, the vehicle's engine did not operate properly, as assured that it would

1 by Christopher L. Reed, Respondent's employee, prior to the commencement of repairs. The  
2 Bureau's investigation revealed that as a result of Respondent's fraudulent acts and the fact that  
3 the engine was not repaired in a good workmanlike manner, Gutierrez received no benefit from  
4 the work Respondent actually provided. The Bureau's investigation revealed that Respondent  
5 did not complete the repairs on Gutierrez's vehicle as invoiced and paid for.

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Untrue or Misleading Statements)**

8 27. Respondent's registration is subject to disciplinary action pursuant to Code  
9 section 9884.7, subdivision (a)(1), in that Respondent made or authorized statements which it  
10 knew, or in the exercise of reasonable care should have known to be untrue or misleading, as  
11 follows:

12 a. On or about July 22, 2013, Respondent represented to Gutierrez that the  
13 repairs, as suggested by Respondent, would result in proper engine operation. This statement  
14 was false as the engine had a shaking condition and loss of power when Gutierrez retrieved the  
15 vehicle from Respondent.

16 b. On or about August 27, 2013, Respondent represented to Gutierrez that  
17 the noise emitting from his engine was valve train noise and that the noise would diminish after  
18 the engine's hydraulic lifters adjusted by themselves. These statements were false as the engine  
19 in Gutierrez's vehicle does not come equipped with hydraulic lifters.

20 **SECOND CAUSE FOR DISCIPLINE**

21 **(Fraud)**

22 28. Respondent is subject to disciplinary action pursuant to Code section 9884.7,  
23 subdivision (a)(4), in that Respondent committed acts constituting fraud, as follows:

24 a. Respondent charged Gutierrez \$190 for replacement of the timing belt,  
25 water pump, and spark plugs. In fact, these parts were not replaced on the vehicle.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Violations of the Code)**

3 29. Respondent is subject to disciplinary action pursuant to Code section 9884.7,  
4 subdivision (a)(6), in that Respondent failed to comply with provisions of that Code in the  
5 following material respects:

6 a. **Section 9884.8:** Respondent failed to record on an invoice and describe all  
7 service work done and parts supplied in its repair of Gutierrez's 1988 Toyota 4Runner.

8 b. **Section 9884.9, subdivision (a):** Respondent failed to provide Gutierrez  
9 with an itemized written estimate for all parts and labor for the automotive repairs on his 1988  
10 Toyota 4Runner.

11 c. **Section 9884.11:** Respondent failed to maintain records that are required  
12 by regulations and failed to make available to the Bureau for inspection all the records pertaining  
13 to Gutierrez's vehicle repairs upon the Bureau's request.

14 d. **Section 9884.17:** Respondent failed to display an official Automotive  
15 Repair Dealer sign in a place and manner conspicuous to the public.

16 **FOURTH CAUSE FOR DISCIPLINE**

17 **(Violations of Regulations)**

18 30. Respondent is subject to disciplinary action pursuant to Code section 9884.7,  
19 subdivision (a)(6), in that Respondent failed to comply with provisions of title 16 of the  
20 California Code of Regulations in a material respect, as follows:

21 a. **Section 3351.3, subdivision (a)(1):** Respondent failed to display its  
22 Automotive Repair Dealer Registration certificate as required.

23 b. **Section 3351.3, subdivision (a)(2):** Respondent failed to display an  
24 official Automotive Repair Dealer Registration sign, as required.

25 c. **Section 3353, subdivision (a):** Respondent failed to provide Gutierrez  
26 with a written estimate for parts and labor for the work on his 1988 Toyota 4Runner.

27 d. **Section 3356, subdivision (a)(1):** Respondent failed to provide Gutierrez  
28 an invoice for service and repair work performed, and parts supplied, as provided for in Code

1 Section 9884.8, which shows the automotive repair dealer's registration number and the  
2 corresponding business name and address as shown in the Bureau's records.

3 e. **Section 3356, subdivision (a)(2)(A)**: Respondent failed to provide  
4 Gutierrez an invoice for service and repair work performed, and parts supplied, as provided for  
5 in Code Section 9884.8, which separately lists, describes and identifies all of the service and  
6 repair work performed, including all diagnostic and warranty work, and the price for each  
7 described service and repair.

8 f. **Section 3356, subdivision (a)(2)(B)**: Respondent failed to provide  
9 Gutierrez an invoice for service and repair work performed, and parts supplied, as provided for  
10 in Code Section 9884.8, which separately lists, describes and identifies each part supplied, in  
11 such a manner that the customer can understand what was purchased, and the price for each  
12 described part, whether new, used, reconditioned, rebuilt, or an OEM crash part, or a non-OEM  
13 aftermarket crash part.

14 g. **Section 3356, subdivision (a)(2)(C)**: Respondent failed to record in any  
15 invoice the subtotal price for all service and repair work performed on Gutierrez's 1988 Toyota  
16 4Runner.

17 h. **Section 3356, subdivision (a)(2)(D)**: Respondent failed to record in any  
18 invoice the subtotal price for all parts supplied, not including taxes, for Gutierrez's 1988 Toyota  
19 4Runner.

20 i. **Section 3356, subdivision (a)(2)(E)**: Respondent failed to record in any  
21 invoice the applicable sales tax for part supplied for Gutierrez's 1988 Toyota 4Runner.

22 j. **Section 3356, subdivision (d)**: Respondent failed to provide Gutierrez  
23 with an invoice for the diagnostic work performed on August 27, 2013.

24 k. **Section 3356.1**: Respondent failed to show their Environmental Protection  
25 Agency identification number on the estimate and/or invoice when charging Gutierrez for toxic  
26 waste disposal.

27 l. **Section 3358, subdivision (c)**: Respondent failed to provide all records  
28 pertaining to Gutierrez's vehicle repairs upon the Bureau's request.

1 m. **Section 3371:** Respondent made untrue or misleading statements that were  
2 known to be false or misleading, or which by the exercise of reasonable care should be known to  
3 be false or misleading when it claimed payment for parts that have not been replaced.

4 n. **Section 3373:** Respondent charged Gutierrez \$190 for replacement of the  
5 timing belt, water pump, and spark plugs that were not performed, which caused the invoice to  
6 be false or misleading, thereby misleading or deceiving Gutierrez into believing his vehicle's  
7 timing belt, water pump, and spark plugs had been replaced.

8 **UNDERCOVER OPERATION: 1995 HONDA**

9 31. On April 18, 2014, an undercover operator of the Bureau (operator) took a 1995  
10 Honda to Respondent's facility. The vehicle had been documented with the vehicle's number  
11 one (1) cylinder fuel injector having an open circuit in the electrical wiring of the fuel injector.  
12 The only repair necessary to correct the defect would have been to replace the number one fuel  
13 injector. The operator requested that Respondent's employee diagnose the 1995 Honda and  
14 reported that vehicle was running rough – the engine was shaking; the vehicle had loss of power;  
15 and the MIL (check engine light) had illuminated on the dash. Respondent's inspected the  
16 vehicle and stated, "Damn, you have a dead cylinder." Respondent's employee stated that the  
17 vehicle's engine needed to be rebuilt. Respondent's employee stated that rebuilding the engine  
18 would include replacing the crankshaft and bearings, among other internal engine parts with new  
19 parts. Respondent's employee gave a verbal estimate of approximately \$900, and then explained  
20 that after taxes and charges for disposal of all fluids, the total cost would be approximately  
21 \$1,040.00. The operator authorized the work and left the facility.

22 32. Later the same day of April 18, 2014, the operator returned to the facility, paid a  
23 deposit of \$600, and received Invoice No. [REDACTED].

24 33. On April 24, 2014, the operator received a text message from Respondent's  
25 employee stating that the 1995 Honda was ready and that they had replaced a fuel injector for an  
26 additional \$40.00. The operator had never authorized the replacement of a fuel injector nor did  
27 he authorize an additional \$40.00 in repairs.

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1 f. **Section 3356, subdivision (a)(2)(D)**: Respondent failed to record in any  
2 invoice the subtotal price for all parts supplied, not including taxes, for the Bureau's 1995  
3 Honda.

4 g. **Section 3356, subdivision (a)(2)(E)**: Respondent failed to record in any  
5 invoice the applicable sales tax for part supplied for the Bureau's 1995 Honda.

6 h. **Section 3356.1**: Respondent failed to show their Environmental Protection  
7 Agency identification number on the estimate and/or invoice when charging the Bureau's  
8 operator for toxic waste disposal.

9 i. **Section 3371**: Respondent made untrue or misleading statements that were  
10 known to be false or misleading, or which by the exercise of reasonable care should be known to  
11 be false or misleading when it claimed payment for parts that have not been replaced.

12 j. **Section 3373**: Respondent charged the Bureau's operator \$1,040.00 for  
13 rebuilding the engine, and charged for items that were not replaced, including all the bearings,  
14 the timing belt, and the spark plugs that were not performed. This caused the invoice to be false  
15 or misleading, thereby intending to mislead or deceive the Bureau's operator into believing that  
16 the vehicle's bearings, timing belt, and spark plugs had been replaced.

17 k. **Section 3376**: Respondent failed to fully disclose the terms and conditions  
18 of its warranty as required. The invoice provided to the Bureau's operator states, in part, "365  
19 DAY WARRANTY ON ALL PARTS PARTS LISTED INSTALLED INTO ENGINE /  
20 VEHICLE ONLY . . ." Because Respondent did not itemize the parts on the invoice, it is  
21 unclear what Respondent's warranty covers.

22 **CONSUMER COMPLAINT (PIMENTEL): 1994 TOYOTA CAMRY**

23 40. On October 21, 2014, the Bureau received a complaint from Anthony Delgado  
24 (Delgado) and Alfonso Pimentel (Pimentel) regarding work performed by Respondent on  
25 Pimentel's 1994 Toyota Camry. Re-inspection by the Bureau, in reference to worked performed  
26 by Respondent between October 6, 2014 and October 18, 2014, found Respondent defrauded  
27 consumer Pimentel by charging him for repair work that was not performed and for parts that  
28 were not provided. Upon completion of the repairs by Respondent, the vehicle's engine oil

1 pressure switch was loose and leaked oil; the vehicle's oil level was low; there appeared to be no  
2 coolant in the radiator; the spark plugs were not replaced with new ones; and the vehicle was  
3 inoperable as the transmission had failed. The Bureau's investigation revealed that Respondent's  
4 facility was operating with a delinquent registration, as the registration had expired on May 31,  
5 2014, and remained expired throughout the time Respondent's facility worked on Pimentel's  
6 vehicle. The Bureau's investigation revealed that Respondent's facility did not complete the  
7 repairs on Pimentel's vehicle as invoiced and paid for.

8 **NINTH CAUSE FOR DISCIPLINE**

9 **(Delinquent Registration)**

10 41. Respondent's registration is subject to disciplinary action pursuant to Code  
11 section 9884.6, subdivision (a), in that Respondent's Automotive Repair Dealer registration  
12 expired on May 31, 2014, and was not renewed. On or about October 6, 2014, Respondent's  
13 facility contracted with Pimentel to rebuild his vehicle's engine and paid Respondent \$1,100.00.

14 **TENTH CAUSE FOR DISCIPLINE**

15 **(Untrue or Misleading Statements)**

16 42. Respondent's registration is subject to disciplinary action pursuant to Code  
17 section 9884.7, subdivision (a)(1), in that Respondent made or authorized statements which it  
18 knew, or in the exercise of reasonable care should have known to be untrue or misleading, as  
19 follows:

20 a. On or about October 6, 2014, Respondent represented to Pimentel  
21 and Delgado that as part of the engine rebuild, the facility would replace the vehicle's  
22 spark plugs with new ones, as invoiced. This statement was false as the spark plugs  
23 installed after the engine rebuild were not new.

24 b. On or about October 6, 2014, Respondent represented to Pimentel  
25 and Delgado that as part of the engine rebuild, the facility would have the engine block  
26 and cylinder head would be serviced by a machine shop. This statement was false  
27 because an employee of Respondent's facility later informed the Bureau that only the  
28 engine's cylinder head was sent to a machine shop.



1 **ELEVENTH CAUSE FOR DISCIPLINE**

2 **(Fraud)**

3 43. Respondent is subject to disciplinary action pursuant to Code section 9884.7,  
4 subdivision (a)(4), in that Respondent committed acts constituting fraud, as follows:

5 a. Respondent charged Pimentel \$1,100.00 for an engine rebuild, which was  
6 to include replacement of the spark plugs. In fact, Respondent did not replace the vehicle's spark  
7 plugs with new ones.

8 b. Respondent charged Pimentel \$1,100.00 for an engine rebuild, which was  
9 to include having the engine block and cylinder head serviced by a machine shop. In fact,  
10 Respondent failed to have the engine block serviced by a machine shop.

11 **TWELFTH CAUSE FOR DISCIPLINE**

12 **(Violations of the Code)**

13 44. Respondent is subject to disciplinary action pursuant to Code section 9884.7,  
14 subdivision (a)(6), in that Respondent failed to comply with provisions of that Code in the  
15 following material respects:

16 a. **Section 9884.8:** Respondent failed to record on an invoice and describe all  
17 service work done and parts supplied in its repair of Pimentel's 1994 Toyota Camry.

18 b. **Section 9884.9, subdivision (a):** Respondent failed to provide Pimentel  
19 with an itemized written estimate for all parts and labor for the automotive repairs on his 1994  
20 Toyota Camry.

21 c. **Section 9884.11:** Respondent failed to maintain records that are required  
22 by regulations and failed to make available to the Bureau for inspection all the records pertaining  
23 to Pimentel's vehicle repairs upon the Bureau's request.

24 d. **Section 9884.17:** Respondent failed to display an official Automotive  
25 Repair Dealer sign in a place and manner conspicuous to the public.

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1 **THIRTEENTH CAUSE FOR DISCIPLINE**

2 **(Violations of Regulations)**

3 45. Respondent is subject to disciplinary action pursuant to Code section 9884.7,  
4 subdivision (a)(6), in that Respondent failed to comply with provisions of title 16 of the  
5 California Code of Regulations in a material respect, as follows:

6 a. **Section 3351.3, subdivision (a)(1)**: Respondent failed to display its  
7 Automotive Repair Dealer Registration certificate as required.

8 b. **Section 3351.3, subdivision (a)(2)**: Respondent failed to display an  
9 official Automotive Repair Dealer Registration sign, as required.

10 c. **Section 3353, subdivision (a)**: Respondent failed to provide Pimentel  
11 with a written estimate for parts and labor for the work on his 1994 Toyota Camry.

12 d. **Section 3356, subdivision (a)(1)**: Respondent failed to provide Pimentel  
13 an invoice for service and repair work performed, and parts supplied, as provided for in Code  
14 Section 9884.8, which shows the automotive repair dealer's registration number and the  
15 corresponding business name and address as shown in the Bureau's records.

16 e. **Section 3356, subdivision (a)(2)(A)**: Respondent failed to provide  
17 Pimentel an invoice for service and repair work performed, and parts supplied, as provided for in  
18 Code Section 9884.8, which separately lists, describes and identifies all of the service and repair  
19 work performed, including all diagnostic and warranty work, and the price for each described  
20 service and repair.

21 f. **Section 3356, subdivision (a)(2)(B)**: Respondent failed to provide  
22 Pimentel an invoice for service and repair work performed, and parts supplied, as provided for in  
23 Code Section 9884.8, which separately lists, describes and identifies each part supplied, in such a  
24 manner that the customer can understand what was purchased, and the price for each described  
25 part, whether new, used, reconditioned, rebuilt, or an OEM crash part, or a non-OEM aftermarket  
26 crash part.

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1 g. **Section 3356, subdivision (a)(2)(C)**: Respondent failed to record in any  
2 invoice the subtotal price for all service and repair work performed on Pimentel's 1994 Toyota  
3 Camry.

4 h. **Section 3356, subdivision (a)(2)(D)**: Respondent failed to record in any  
5 invoice the subtotal price for all parts supplied, not including taxes, for Pimentel's 1994 Toyota  
6 Camry.

7 i. **Section 3356, subdivision (a)(2)(E)**: Respondent failed to record in any  
8 invoice the applicable sales tax for part supplied for Pimentel's 1994 Toyota Camry.

9 j. **Section 3356.1**: Respondent failed to show their Environmental Protection  
10 Agency identification number on the estimate and/or invoice when charging Pimentel for toxic  
11 waste disposal.

12 k. **Section 3358, subdivision (c)**: Respondent failed to provide all records  
13 pertaining to Pimentel's vehicle repairs upon the Bureau's request.

14 l. **Section 3371**: Respondent made untrue or misleading statements that were  
15 known to be false or misleading, or which by the exercise of reasonable care should be known to  
16 be false or misleading when Respondent's employee represented to Pimentel that the engine  
17 block and cylinder head would be serviced by a machine shop when, in fact, only the cylinder  
18 head was serviced.

19 m. **Section 3373**: Respondent charged Pimentel \$1,100.00 for an engine  
20 rebuild, which included replacing the spark plugs. Respondent failed to replace the spark plugs,  
21 which caused the invoice to be false or misleading, thereby misleading or deceiving Pimentel  
22 into believing his vehicle's spark plugs had been replaced.

23 n. **Section 3376**: Respondent failed to fully disclose the terms and conditions  
24 of its warranty as required. The invoice provided to Pimentel states, in part, "365 DAY  
25 WARRANTY ON ALL PARTS PARTS LISTED INSTALLED INTO ENGINE / VEHICLE  
26 ONLY . . ." Because Respondent did not itemize the parts on the invoice, it is unclear what  
27 Respondent's warranty covers.

28 ///

1 **OTHER MATTERS**

2 46. Pursuant to Code section 9884.7, subdivision (c), the Director may suspend,  
3 revoke, or place on probation the registration for all places of business operated in this state by  
4 Respondent Honda Acura Specialist, Bunthoeun Namlong, owner, upon a finding that said  
5 Respondent has, or is, engaged in a course of repeated and willful violations of the laws and  
6 regulations pertaining to an automotive repair dealer.

7 **PRAYER**

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

- 10 1. Revoking or suspending Automotive Repair Dealer Number ARD 272942, issued
- 11 to Honda Acura Specialist, Bunthoeun Namlong, owner;
- 12 2. Ordering Honda Acura Specialist, Bunthoeun Namlong, owner, to pay the Bureau
- 13 of Automotive Repair the reasonable costs of the investigation and enforcement of this case,
- 14 pursuant to Business and Professions Code section 125.3; and
- 15 3. Taking such other and further action as deemed necessary and proper.

16  
17 DATED: October 28, 2015 

18 PATRICK DORAIS  
19 Chief  
20 Bureau of Automotive Repair  
21 Department of Consumer Affairs  
22 State of California  
23 Complainant

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27 Matter ID: LA2014512952  
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