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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. 77/16-5213

**JOSEPH P. CHANG, Owner
dba AUTO LOGIC
265 San Bruno Avenue East
San Bruno, CA 94066**

ACCUSATION

**Mailing Address:
25 Topsail Court
Pleasant Hill, CA 94523**

**Automotive Repair Dealer Registration No.
ARD256470,
Lamp Station License No. LS256470, class A
Brake Station License No. BS256470, class A
Lamp Adjuster License No. LA146618, class A
Brake Adjuster License No. BA146618, class A
Smog Check Inspector License No. EO146618,
Smog Check Repair Technician License No,
EI146618**

And

**EDWARD C. TAN
265 San Bruno Avenue East
San Bruno, CA 94066**

**Lamp Adjuster License No. LA63039_6,
Brake Adjuster License No. BA630396,
Smog Check Inspector License No. EO630396,
Smog Check Repair Technician License No.
EI630396**

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 **Auto Logic:**

6 **Automotive Repair Dealer Registration**

7 2. On or about October 14, 2008, the Bureau of Automotive Repair issued Automotive
8 Repair Dealer Registration Number ARD 256470 to Joseph P. Chang, Owner, dba Auto Logic
9 (Respondent Auto Logic). The Automotive Repair Dealer Registration was in full force and
10 effect at all times relevant to the charges brought herein and will expire on October 31, 2018,
11 unless renewed.

12 **Lamp Station License**

13 3. On or about January 23, 2009, the Bureau of Automotive Repair issued Lamp Station
14 License No. LS256470, class A, to Respondent Auto Logic. The Lamp Station License was in
15 full force and effect at all times relevant to the charges brought herein and will expire on October
16 31, 2018, unless renewed,

17 **Brake Station License**

18 4. On or about January 23, 2009, the Bureau of Automotive Repair issued Brake Station
19 License No. B\$256470, class A, to Respondent Auto Logic. The Brake Station License was in
20 full force and effect at all times relevant to the charges brought herein and will expire on October
21 31, 2018, unless renewed.

22 **Joseph P. Chang:**

23 **Brake Adjuster License**

24 5. Joseph P. Chang (Respondent Joseph P. Chang) was also licensed as a Brake Adjuster
25 (BA) under the Automotive Repair Act of 1971. License No. BA146618, class A, was issued in
26 or about 2004. The Brake Adjuster License expired on September 30, 2016, and has not been
27 renewed.

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1 Lamp Adjuster License

2 6. Respondent Joseph P. Chang was also licensed as a Lamp Adjuster (LA) under the
3 Automotive Repair Act of 1971. License No. LA146618, class A, was issued in or about 2004.
4 The Lamp Adjuster License expired on September 30, 2016, and has not been renewed.

5 Advanced Emission Specialist License/ Smog Check Inspector License/Smog Check Repair
6 Technician License

7 7. In or about 2003, the Bureau of Automotive Repair issued Advanced Emission
8 Specialist (EA) License No. EA 146618 to Respondent Joseph P. Chang, under SB1997, the
9 biennial Smog Check Program implemented January 1, 1990. License Number EA 146618 was
10 due to expire on September 30, 2012, however, the license was cancelled on September 11, 2012.
11 Pursuant to California Code of Regulations, title 16, section 3340.28, subsection (e)¹, said license
12 was renewed pursuant to Respondent Chang's election as Smog Check Inspector (RO) License
13 No. 146618 and Smog Check Repair Technician (EI) License No. 146618, effective September
14 11, 2012. The Smog Check Inspector (EO) and Smog Check Repair Technician (EI) Licenses are
15 due to expire on September 30, 2018, unless renewed.

16 **Edward C. Tan:**

17 Brake Adjuster License

18 8. Edward C. Tan (Respondent Edward C. Tan) was licensed as a Brake Adjuster under
19 the Automotive Repair Act of 1971. License No. BA630396, class A, was issued to Respondent
20 Tan on or about March 9, 2009. The Brake Adjuster License expired on April 30, 2016, and has
21 not been renewed.

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26 ¹ Effective August 1, 2012, California Code of Regulations, title 16, section 3340.28,
27 3340.29 and 3340.30 were amended to implement a license restructure of Smog Check
28 Technician (EA/EB) license types to Smog Check Inspector (EO) license and and/or Smog Check
28 Repair Technician (EI) license,

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1 automotive repair dealer, which are done by the automotive repair dealer or any automotive
2 technician, employee, partner, officer, or member of the automotive repair dealer.

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

6
7 (4) Any other conduct which constitutes fraud.

8 (5) Conduct constituting gross negligence.

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

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

14 ¹¹

15 14. Section 9884.9(a) of the Code states:

16 "(a) The automotive repair dealer shall give to the customer a written estimated price for
17 labor and parts necessary for a specific job. No work shall be done and no charges shall accrue
18 before authorization to proceed is obtained from the customer. No charge shall be made for work
19 done or parts supplied in excess of the estimated price without the oral or written consent of the
20 customer that shall be obtained at some time after it is determined that the estimated price is
21 insufficient and before the work not estimated is done or the parts not estimated are supplied.
22 Written consent or authorization for an increase in the original estimated price may be provided
23 by electronic mail or facsimile transmission from the customer. The bureau may specify in
24 regulation the procedures to be followed by an automotive repair dealer if an authorization or
25 consent for an increase in the original estimated price is provided by electronic mail or facsimile
26 transmission. If that consent is oral, the dealer shall maintain a notation on the work order of the date,
27 time, name of person authorizing the additional repairs and telephone number called, if any,

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1 together with a specification of the additional parts and labor and the total additional cost, and
2 shall do either of the following:

3 "
4 15. Section 9889.3 of the Code states:

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

7 "

8 (c) Violates any of the regulations promulgated by the director pursuant to this chapter [the
9 Automotive Repair Act].

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

11 "

12 16. Section 9889.16 of the Code states:

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

20 17, Section 9889.22 of the Code states:

21 "The willful making of any false statement or entry with regard to a material matter in any
22 oath, affidavit, certificate of compliance or noncompliance, or application form which is required
23 by this chapter or Chapter 5 (commencing with Section 44000) of Part 5 of Division 26 of the
24 Health and Safety Code constitutes perjury and is punishable as provided in the Penal Code. "

25 **REGULATORY PROVISIONS** .

26 18. California Code of Regulations, title 16, section 3305, states in pertinent part:

27 "(a) All adjusting, inspecting, servicing; and repairing of brake systems and lamp systems
28 for the purpose of issuing any certificate of compliance or adjustment shall be performed in

1 official stations, by official adjusters in accordance with the following, in descending order of
2 precedence, as applicable:

3 (1) Vehicle Manufacturers' current standards, specifications 1111d recommended procedures,
4 as published in the manufacturers' vehicle service and repair manuals.

5"
6 19. California Code of Regulations, title 16, section 3316 (d)(2), states:

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

9
10 (d) Effective April 1, 1999, licensed stations shall purchase certificates of adjustment from
11 the bureau for a fee of three dollars and fifty cents (\$3.50) each and shall not purchase or
12 otherwise obtain such certificates from any other source. Full payment is required at the time
13 certificates are ordered. Certificates are not exchangeable following delivery. A licensed station
14 shall not sell or otherwise transfer unused certificates of adjustment. Issuance of a lamp
15 adjustment certificate shall be in accordance with the following provisions:

16
17 (2) Where all of the lamps, lighting equipment, and related electrical systems on a vehicle
18 have been inspected and found to be in compliance with all requirements, of the Vehicle Code
19 and bureau regulations, the certificate shall certify that the entire system meets all of those
20 requirements.

21"
22 20. California Code of Regulations, title 16, section 3321(c)(2), states:

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

25
26 (c) Effective April 1, 1999, licensed stations shall purchase certificates of adjustment from
27 the bureau for a fee of three dollars and fifty cents (\$3.50) and shall not purchase or otherwise .
28 obtain such certificates from any other source. A licensed station shall not sell or otherwise

transfer unused certificates of adjustment. Full payment is required at the time certificates are ordered. Certificates are not exchangeable following delivery. Issuance of a brake adjustment certificate shall be in accordance with the following provisions:

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

21. California Code of Regulations, title 16, section 3321(d)(1), states:

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

(d) After correcting specified defects, official brake adjusters shall certify that defects indicated on citations or other enforcement forms have been corrected,

(1) The adjuster shall inform the customer of any other defective conditions present or likely to occur in the future, which have come to the adjuster's attention in conjunction with inspection of the vehicle and correction of specified defects. The adjuster shall inform the customer of the percentage of braking material left on pads/shoes, as appropriate.

22. California Code of Regulations, title 16, section 3353(a), states:

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

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

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

"No automotive repair dealer or individual in charge shall, in filling out an estimate, invoice, or work order, or record required to be maintained by section 3340.1S(f) of this chapter,

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

4 **COSTS**

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

11 **UNDERCOVER OPERATION #1: 1999 GMC Sonoma**

12
13 25. On or about March 24, 2016, an undercover operator from the Bureau drove a Bureau
14 documented 1999 GMC Sonoma (GMC Sonoma) to Respondent Auto Logic and requested a
15 brake and lamp inspection.

16 26. Both the GMC Sonoma's right front brake rotor and left rear brake drum were not to
17 manufacturer service specifications and needed replacement. In this condition, the GMC Sonoma
18 could not legally pass a California brake inspection.

19 27. The vertical aim of the GMC Sonoma's right headlight was below specifications.
20 Further, the vehicle's left tail lamp bulb was not functional. In this condition, the GMC Sonoma
21 could not legally pass a California lamp inspection.

22 28. Tamper indicators were installed on the GMC Sonoma's headlamp adjusters and
23 wheels.'

24 29. The operator requested brake and lamp inspections and was informed by an
25 unidentified service representative that the fee for both headlamp and brake inspections would be
26 \$125.00. The operator did not receive a written estimate and was not given a work order to sign.
27 A short time later, the operator was informed by Respondent Auto Logic and/or Respondent
28 Edward C. Tan that the inspections were completed. The operator was told that the GMC

J Sonoma needed a bulb which was replaced; The operator signed and received a copy of a repair
2 order and paid \$125.00 to Respondent Auto Logic. Respondent Auto Logic and Respondent
3 Edward C. Tan gave the operator 01 · Brake Adjustment Certificate #BA2253060 and Lamp
4 Adjustment Certificate #LA2224459, stating under penalty of perjury that the inspections were
5 performed and adjustments or repairs to the GMC Sonoma were made.

6 30. On April 18, 2016, the Bureau inspected the GMC Sonoma's brake system and found
7 that the right disc brake rotor remained too low and out of specification. The GMC Sonoma's left
8 rear brake drum remained too high and out of specification. Further, all tamper indicators placed
9 on the GMC Sonoma to detect wheel removal were found to still be intact.

10 31. On April 18, 2016, the Bureau inspected the GMC Sonoma's headlight adjusters and
11 found that it failed the California lamp inspection because the right headlight remained too low
12 and out of specification. Further, all tamper indicators placed by the Bureau on the GMC Sonoma
13 to detect movement of the headlight adjusters were found to still be intact.

14 **FIRST CAUSE FOR DISCIPLINE**

15 **(Untrue or Misleading Statements)**

16 32. Respondent Auto Logic's registration is subject to disciplinary action pursuant to
17 section 9884.7, subdivision (a)(l) of the Code, in that Respondent Auto Logic and/or Respondent
18 Edward C. Tan made or authorized statements which he knew or in the exercise of reasonable
19 care should have known to be true or misleading, as follows:

20 a. Respondent Auto Logic and/or Respondent Edward C. Tan certified under penalty of
21 perjury on Brake Certificate# BA2253060 that the service brake, parking brake, brake lining and shoes,
22 drums/rotors, warning device system and antilock brake system in the Bureau's 1999 GMC Sonoma
23 were in a satisfactory condition. In fact, the left front brake rotor was undersized and the right rear
24 brake drum was oversized. In this condition, it could not legally pass a California brake inspection
25 as described in paragraphs 26 and 29 through 30, above.

26 b. Respondent Auto Logic and/or Respondent Edward C. Tan certified under penalty of
27 perjury on Lamp Certificate #LA2224459 that the applicable adjustments (lamp type signal,
28 warning lamps, rear lamps, stop lamps, reflectors, license plate lamps) had been performed on the

1 lighting system on the Bureau's 1999 GMC Sonoma. In fact, only the left tail lamp was corrected
2 and operating properly. The right headlamp was out of specification and still in need of
3 adjustment. In this condition, it could not legally pass a California lamp inspection, as described
4 in paragraphs 27 and 29 through 31, above.

5 **SECOND CAUSE FOR DISCIPLINE**

6 **(Failure to Perform a Proper Brake and Lamp Inspection)**

7 33. Respondent Auto Logic's registration is subject to disciplinary action pursuant to Bus.
8 & Prof. Code sections 9884.7, subdivision (a)(5), 9884.7, subdivision (a)(7), and 9889.16, in that
9 Respondent Auto Logic and/or Respondent Edward C. Tan failed to inspect the front brake rotors,
10 rear brake drums, and failed to inspect the headlights on the GMC Sonoma, as described in
11 paragraphs 25 through 31, above.

12 **THIRD CAUSE FOR DISCIPLINE**

13 **(Violation of Regulations)**

14 34. Respondent Auto Logic's registration is subject to disciplinary action pursuant to Bus.
15 & Prof. Code section 9884.7, subdivision (a)(6), in that Respondent Auto Logic's Technician
16 Respondent Edward C. Tan failed to comply with provisions of the California Code of
17 Regulations, title 16, in the following material respects;

18 a. **California Code of Regulations, title 16, section 3321 subdivision (d)(I):**

19 Respondent Auto Logic's Technician Respondent Edward C. Tan failed to inform the operator of
20 the percentage of braking material left on the GMC Sonoma's brake pads/shoes.

21 b. **California Code of Regulations, title 16, section 3353 subdivision (a):** Respondent
22 Auto Logic's Technician Respondent Edward C. Tan performed brake and lamp inspections, and
23 received payment from the operator, without providing a written estimate.

24 **FOURTH CAUSE FOR DISCIPLINE**

25 **(Failure to Comply with Regulations)**

26 35. Respondent Auto Logic's Brake Station and Lamp Station licenses are subject to
27 disciplinary action pursuant to Bus. & Prof. Code section 9889.3, subdivision (c), in that
28 Respondent Auto Logic and/or Respondent Edward C. Tan failed to comply with provisions of

the California Code of Regulations, title 16, section 3321, subdivision (d)(l), and section 3353 subdivision (a), as set forth in paragraph 29, above.

FIFTH CAUSE FOR DISCIPLINE

(Willful Departure from Accepted Trade Standards)

36. Respondent Auto Logic's registration is subject to disciplinary action pursuant to Code section 9884.7, subdivision (a)(7), in that Respondent Auto Logic's Technician Respondent Edward C. Tan failed to properly perform brake and lamp inspections on the 1999 GMC Sonoma, as described in paragraphs 26 through 31, above.

SIXTH CAUSE FOR DISCIPLINE

(Gross Negligence)

37. Respondent Auto Logic's registration is subject to disciplinary action pursuant to Code section 9884.7, subdivision (a)(S), in that Respondent Auto Logic and/or Respondent Auto Logic's Technician Respondent Edward C. Tan committed acts constituting gross negligence in that they failed to inspect the brake and lighting systems on the 1999 GMC Sonoma. Respondent Auto Logic and/or Respondent Auto Logic's Technician Respondent Edward C. Tan then issued Certificate of Brake Adjustment #BA2253060 and Certificate of Lamp Adjustment #LA2224459 indicating that the vehicle's brake and lamp systems were in compliance with Bureau Regulations or the Vehicle Code when they were not, as described in paragraphs 26 through 31, above.

SEVENTH CAUSE FOR DISCIPLINE

(Fraud)

38. Respondent Auto Logic's registration is subject to disciplinary action pursuant to section 9884.7, subdivision (a)(4) of the Code, for committing acts constituting fraud, in that . Respondent Auto Logic and/or Respondent Edward C. Tan obtained payment from the operator for performing the applicable inspections, adjustments, or repairs of the brake and lighting systems on the Bureau's 1999 GMC Sonoma when, in fact, Respondent Joseph P. Chang dba Auto Logic and/or Respondent Joseph P. Chang and/or Respondent Joseph P. Chang dba Auto Logic's Technician Respondent Edward C, Tan failed to perform the necessary inspections, adjustments, and repairs in compliance with Bureau Regulations or the Vehicle Code, as

described in paragraphs 26 through 31, above.

EIGHTH CAUSE FOR DISCIPLINE

(Untrue or Misleading Statements)

39. Respondent Edward C. Tan's Brake Adjuster License and/or Lamp Adjuster License is subject to disciplinary action pursuant to section 9889.22 of the Code, in that Respondent Edward C. Tan, while employed as a Technician with Joseph P. Chang dba Auto Logic, made or authorized statements which he knew or in the exercise of reasonable care should have known to be untrue or misleading, as follows:

a. Respondent Edward C. Tan certified under penalty of perjury on Brake Certificate #BA2253060 that the service brake, parking brake, brake lining and shoes, drums/rotors, warning device system and antilock brake system in the Bureau's 1999 GMC Sonoma were in a satisfactory condition. In fact, the left front brake rotor was undersized and the right rear brake drum was oversized. In this condition, it could not legally pass a California brake inspection as described in paragraphs 26 through 30, above.

b. Respondent Edward C. Tan certified under penalty of perjury on Lamp Certificate #LA2224459 that the applicable adjustments (lamp type signal, warning lamps, rear lamps, stop lamps, reflectors, license plate lamps) had been performed on the lighting system on the Bureau's 1999 GMC Sonoma. In fact, only the left tail lamp was corrected and operating properly. The right headlamp was out of specification and still in need of adjustment. In this condition, it could not legally pass a California lamp inspection, as described in paragraphs 27 through 31, above.

NINTH CAUSE FOR DISCIPLINE

(Failure to Perform a Proper Lamp and Brake Inspection)

40. Respondent Edward C. Tan's Lamp Adjuster and Brake Adjuster licenses are subject to disciplinary action pursuant to Bus. & Prof. Code section 9889.16, in that Respondent Edward C. Tan failed to inspect the front brake rotors, rear brake drums, and headlights on the GMC Sonoma, as described in paragraphs 26 through 31, above.

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1 **TENTH CAUSE FOR DISCIPLINE**

2 **(Violation of Regulations)**

3 41. Respondent Edward C. Tan's Lamp Adjuster and Brake Adjuster licenses are subject
4 to disciplinary action pursuant to Bus. & Prof. Code section 9889.3(c), in that Respondent failed
5 to comply with provisions of the California Code of Regulations, title 16, in the following
6 material respects:

7 a. **California Code of Regulations, title 16, section 3321 subdivision (d)(1):**

8 Respondent Edward C. Tan failed to inform the operator of the percentage of braking material left
9 on the GMC Sonoma's brake pads/shoes.

10 b. **California Code of Regulations, title 16, section 3353 subdivision (a):** Respondent

11 Edward C. Tan performed brake and lamp inspections, and received payment from the operator, without
12 providing a written estimate.

13 **ELEVENTH CAUSE FOR DISCIPLINE**

14 **(Committing an Act Involving Dishonesty, Fraud, and/or Deceit)**

15 42. Respondent Edward C. Tan's Lamp Adjuster license is subject to disciplinary action
16 pursuant to Bus. & Prof. Code section 9889.3, subdivision (d), for issuing Certificate of
17 Compliance-Lamp Adjustment #LA2224459 representing that the GMC Sonoma was in
18 compliance with Bureau Regulations or the Vehicle Code when it was not, as described in
19 paragraphs 26 through 31, above.

20 **TWELFTH CAUSE FOR DISCIPLINE**

21 **(Committing an Act Involving Dishonesty, Fraud, and/or Deceit)**

22 43. Respondent Edward C. Tan's Brake Adjuster License is subject to disciplinary action
23 pursuant to Bus. & Prof. Code section 9889.3, subdivision (d), for issuing Certificate of
24 Compliance-Brake Adjustment #BA2253060 representing that the GMC Sonoma was in
25 compliance with Bureau Regulations or the Vehicle Code when it was not, as described in
26 paragraphs 26 through 31, above.

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UNDERCOVER OPERATION #2: 1995 Chevrolet Astro

44. • On or about June 14, 2016, an undercover operator from the Bureau drove a Bureau documented 1995 Chevrolet Astro (Astro) to Respondent Auto Logic and requested a brake and lamp inspection.

45. The Astra's left front brake rotor and right rear brake drum were not to manufacturer service specifications and needed replacement. • In this condition, the Astro could not legally pass a California brake inspection.

46. The Astro's left front headlight was misadjusted excessively up and out of specification. The right front headlamp was misadjusted excessively to the right out of specification. In this condition, the Astra could not legally pass a California lamp inspection.

47. Tamper indicators were installed on the Astro's headlamp adjusters and wheels.

48. The operator requested brake and lamp inspections and was informed by Respondent Auto Logic's service representative that the fee for both headlamp and brake inspections would be \$120.00. The operator did not sign a work order or receive a written estimate. A short while later, the operator was informed by Respondent Auto Logic that the inspections had been completed, Respondent Auto Logic also informed the operator that the Astra's brakes were out of adjustment. Respondent Auto Logic advised the operator to get the brakes adjusted and return for a re-inspection of the brakes. The operator signed a work order, received a copy, and paid Respondent Auto Logic \$120.00. Respondent Auto Logic gave the operator Repair Order #0011152, indicating that a brake and lamp inspection had been done and that the Astra failed the brake inspection due to the parking brake being out of adjustment. The operator also received Lamp Adjustment Certificate #LA2289366 from Respondent Auto Logic indicating that the Astro's lamp system was in compliance with Bureau regulations, the Vehicle Code, and the Business & Professions Code.

49. On June 14, 2016, the operator returned the Astro to Respondent Auto Logic for a second brake inspection and advised Respondent Auto Logic that the brakes had been adjusted.²

² The Bureau's representative adjusted the Astra's parking brake cable and then instructed the operator to return the vehicle to the shop for brake inspection.

1 The operator did not sign a work order or receive a written estimate for the second inspection,
2 After the inspection, Respondent Auto Logic gave the operator Brake Adjustment Certificate
3 #BA2253126 indicating that the Astro's brake system was in compliance with Bureau regulations,
4 the Vehicle Code, and the Business & Professions Code,

5 50. On August 4, 2016, the Bureau inspected the Astro's brake system and found all
6 tamper indicators placed to detect wheel removal were still intact indicating that a proper brake
7 inspection had not been done, An inspection of the left front rotor and right rear brake drum
8 showed that they remained out of specification. The Astra's brake system was out of compliance,
9 indicating that Certificate of Adjustment-Brake Adjustment #BA2253126 should not have been
10 issued.

11 51. On August 4, 2016, the Bureau inspected the Astros headlight adjusters and found
12 that the tamper indicators placed by the Bureau were still intact indicating that no adjustment had
13 been done. Further, the Bureau found that the Astra's left front headlight and right front
14 headlamp remained out of specification, The Astro's headlights were out of adjustment,
15 indicating that Certificate of Adjustment- Lamp Adjustment #LA2289366 should not have been
16 issued.

17 **THIRTEENTH CAUSE FOR DISCIPLINE**

18 **(Untrue or Misleading Statements)**

19 52. Respondent Auto Logic's registration is subject to disciplinary action pursuant to Bus.
20 & Prof. Code section 9884.7, subdivision (a)(l), in that Respondent Auto Logic made or
21 authorized statements which it knew or in the exercise of reasonable care should have known to
22 be untrue or misleading, as follows:

23 a. Respondent Auto Logic issued Repair Order #0011152 representing that a brake and
24 lamp inspection had been done and that the Astro failed the brake inspection but passed the lamp
25 inspection, as described in paragraph 48, above.

26 b. Respondent Auto Logic certified under penalty of perjury on Brake Certificate
27 #BA2253126 that the brake systems in the Bureau's Astro had been inspected and were in
28 satisfactory condition. In fact, the Astro's left front brake rotor and right rear brake drum

1 remained out of specification, In this condition, the Astro could not legally pass a California
2 brake inspection as described in paragraphs 45 through 50, above.

3 c. Respondent Auto Logic certified under penalty of perjury on Lamp Certificate
4 #LA2289366 that the applicable adjustments had been performed on the lighting system on the
5 Bureau's Astro. In fact, the tamper indicators on the Astro's headlight were found unbroken
6 indicating that the headlights remained out of specification and were still in need of adjustment.
7 In this condition, the Astro could not legally pass a California lamp inspection, as described in
8 paragraphs 46 and 51, above.

9 **FOURTEENTH CAUSE FOR DISCIPLINE**

10 **(Fraud)**

11 53. Respondent Auto Logic's registration is subject to disciplinary action pursuant to
12 Code section 9884.7, subdivision (a)(4), for having committed acts constituting fraud, in that
13 Respondent Auto Logic obtained payment from the operator for performing the applicable
14 inspections, adjustments, or repairs of the brake and lighting systems on the Bureau's Nitro as
15 specified by the Bureau and in accordance with the Vehicle Code. In fact, Respondent Auto
16 Logic failed to perform the necessary inspections, adjustments, and repairs in compliance with
17 Bureau Regulations as described in paragraphs 45 through 50, above.

18 **FIFTEENIB CAUSE FOR DISCIPLINE**

19 **(Willful False Statement or Entry)**

20 54. Respondent Auto Logic's Brake and Lamp Station Licenses are subject to disciplinary
21 action for violation of Code section 9889.22, for issuing Certificate of Compliance-Lamp
22 Adjustment #LA2289366 and Certificate of Compliance-Brake Adjustment #BA2253126
23 representing that the Astro was in compliance with Bureau Regulations or the Vehicle Code when
24 it was not, as described in paragraphs 44 through 51, above.

25 **SIXTEENTH CAUSE FOR DISCIPLINE**

26 **(Violation of Regulations)**

27 55. Respondent Auto Logic's registration is subject to disciplinary action pursuant to Bus.
28 & Prof. Code section 9884.7, subdivision (a)(6), in that it failed to comply with provisions of the

California Code of Regulations, title 16, in the following material respects:

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

Respondent Auto Logic failed to inspect the front brake rotors, rear brake drums, and headlights on the Astro.

b. **California Code of Regulations, title 16, section 3316, subdivision (d)(2):**

Respondent Auto Logic failed to inspect the aim of headlights on the Astro.

c. **California Code of Regulations, title 16, section 3321 subdivision (c)f2):**

Respondent Auto Logic certified that the Astro's brake system was in compliance, when in fact, the left front brake rotor and right rear brake drum were not in a serviceable condition.

d. **California Code of Regulations, title 16, section 3373:** Respondent Auto Logic

generated false and misleading records by issuing Certificate of Brake Adjustment #BA2253126 and Certificate of Lamp Adjustment #LA2289366, stating that the Astro's brake rotors, drums, and headlights were inspected when they were not.

SEVENTEENTH CAUSE FOR DISCIPLINE

(Committing an Act Involving Dishonesty, Fraud, and/or Deceit)

56. Respondent Auto Logic's Brake Station license is subject to disciplinary action pursuant to section 9889.3, subdivision (d), of the Code, for issuing Certificate of Compliance- Brake Adjustment #BA2253126 representing that the Astro was in compliance with Bureau Regulations or the Vehicle Code when it was not, as described in paragraphs 45 through 51, above.

EIGHTEENTH CAUSE FOR DISCIPLINE

(Committing an Act Involving Dishonesty, Fraud, and/or Deceit)

57. Respondent Auto Logic's Lamp Station license is subject to disciplinary action pursuant to section 9889.3, subdivision (d), of the Code, for issuing Certificate of Compliance- Lamp Adjustment #LA2289366 representing that the Astro was in compliance with Bureau Regulations or the Vehicle Code when it was not, as described in paragraphs 46 through 51, above.

// /

1 **NINETEENTH CAUSE FOR DISCIPLINE**

2 **(Failure to Perform a Proper Brake and Lamp Inspection)**

3 58. Respondent Joseph P, Chang's Brake Adjuster and Lamp Adjuster licenses are
4 subject to disciplinary action pursuant to Code section 9889.16, in that Respondent Joseph P.
5 Chang failed to inspect the front brake rotors., rear brake drums, and failed to inspect the
6 headlights on the Astro, as described in paragraphs 44 through 51, above.

7 **TWENTIETH CAUSE FOR DISCIPLINE**

8 **(Willful False Statement or Entry)**

9 59. Respondent Joseph P, Chang's Brake Adjuster license is subject to disciplinary action
10 for violation of Code section 9889.22, for issuing Certificate of Compliance-Brake Adjustment
11 #BA2253126 representing that the Astro was in compliance with Bureau Regulations or the
12 Vehicle Code when it was not, as described in paragraphs 44 through 50, above,

13 **TWENTY-FIRST CAUSE FOR DISCIPLINE**

14 **(Willful False Statement or Entry)**

15 60. Respondent Joseph P. Chang's Lamp Adjuster license is subject to disciplinary action
16 for violation of Code section 9889.22, for issuing Certificate of Compliance-Lamp Adjustment
17 #LA2289366 representing that the Astro was in compliance with Bureau Regulations or the
18 Vehicle Code when it was not, as described in paragraphs 46 through 51, above.

19 **TWENTY-SECOND CAUSE FOR DISCIPLINE**

20 **(Violation of Regulations)**

21 61. Respondent Joseph P. Chang's Brake Adjuster License and Lamp Adjuster License
22 are subject to disciplinary action pursuant to Bus. & Prof. Code section 9889.3, subdivision (c), in
23 that he failed to comply with provisions of the California Code of Regulations, title 16, in the
24 following material respects:

25 a. **California Code of Regulations, title 16, section 3305, subdivision (a):**

26 Respondent Joseph P. Chang failed to inspect the front brake rotors, rear brake drums, and
27 headlights on the Astro.

28 // /

1 b, California Code of Regulations, title 16, section 3316, subdivision (d)(2):
2 Respondent Joseph P, Chang failed to inspect the aim of headlights on the Astro.

3 c, California Code of Regulations, title 16, section 3321 subdivision (c){2}:
4 Respondent Joseph P, Chang certified that the Astro's brake system was in compliance, when in
5 foot, the left front brake rotor and right rear brake drum were not in a serviceable condition.

6 d, California Code of Regulations, title 16, section 3373:
7 Respondent Joseph P. Chang generated false and misleading records by issuing Certificate of
8 Brake Adjustment #BA2253126 and Certificate of Lamp Adjustment #LA2289366, stating that
9 the Astro's brake rotors, drums, and headlights were inspected when they were not.

10
11 **UNDERCOVER OPERATION #3: 1992 Oldsmobile Bravada**

12 62, On or about August 4, 2016, an operator from the Bureau drove a Bureau documents
13 1992 Oldsmobile Bravada (Bravada) to Respondent Auto Logic and requested a brake and lamp
14 inspection.

15 63. Both the Bravada's right front brake rotor and right rear brake drum did not meet
16 manufacture service specifications and needed adjustment. In this condition, the Bravada could
17 not legally pass a California brake inspection.

18 64. The Bravada's right front headlight was misadjusted excessively up and out of
19 specification. In addition, the left rear tail bulb was made non-functional. In this condition, the
20 Bravada could not legally pass a California lamp inspection.

21 65. Tamper indicators were installed on the Bravada's headlamp adjusters and wheels.

22 66. The operator requested a brake and lamp inspection and was informed by Respondent
23 Auto Logic that the cost of both inspections would be \$120.00. The operator did not receive a
24 written estimate or a work order to sign. A short while later, the operator was informed by
25 Respondent Auto Logic that the left rear tail lamp bulb and the third brake lamp bulbs were out
26 and that he could not issue a lamp certificate due to the inoperative brake lamp bulbs. The
27 operator was further advised that Respondent Auto Logic could not give him a brake certificate
28 because the brakes were out of adjustment. Respondent Auto Logic told the operator to get the

brakes adjusted, replace the bulbs, and return the Bravada for re-inspection. The operator signed and received a copy of repair order #0011473, and paid Respondent Auto Logic \$120.00.

67. On August 4, 2016, the operator returned the Bravada to Respondent Auto Logic for a second brake and lamp inspection and advised Respondent Auto Logic that the brakes had been adjusted and that the left rear tail lamp bulb had been replaced. Respondent Auto Logic checked the Bravada's lamps and parking brake. Respondent Auto Logic issued and gave the operator Lamp Adjustment Certificate #LA2289321 and Brake Adjustment Certificate #BAZ31 8084 indicating that the Bravada's lamp and brake systems were in compliance with Bureau regulations, the Vehicle Code and the Business & Professions Code.

68. On August 26, 2016, a Bureau program representative inspected the Bravada's lamp and brake system. The Bureau's representative found that the tamper indicators on the headlight adjusters were intact and that the right headlight remained out of specification which would cause the vehicle to fail a lamp inspection.³ Certificate #LA2289321 for lamp adjustment compliance should not have been issued. Further, the Bureau's representative found that tamper indicators on all of the Bravada's wheels were not broken, indicating that the wheels had not been removed. The Bravada's right front brake rotor and right rear brake drum did not meet manufacturer's specifications which would cause the vehicle to fail a brake inspection. Certificate #BA2318084 for brake system compliance should not have been issued.

TWENTY-THIRD CAUSE FOR DISCIPLINE

(Untrue or Misleading Statements)

69. Respondent Auto Logic's registration is subject to disciplinary action pursuant to Bus. & Prof. Code section 9884.7, subdivision (a)(1), in that it made or authorized statements which it knew or in the exercise of reasonable care should have known to be untrue or misleading, as follows:

a. Respondent Auto Logic certified under penalty of perjury on Lamp Certificate #LA2289321 that the applicable adjustments had been performed on the lighting system on the

³ The left tail lamp bulb had been replaced by the Bureau.

1 Bravada. In fact, the tamper indicators were found unbroken and the Bravada's right headlight
2 remained out of specification and was still in need of adjustment. In this condition, it could not
3 legally pass a California lamp inspection, as described in paragraphs 64 through 68, above.

4 b. Respondent Auto Logic certified under penalty of perjury on Brake Certificate
5 #BA2318084 that the brake systems in the Bravada had been inspected and were in satisfactory
6 condition. In fact, the Bravada's right front brake rotor and right rear brake drum remained out of
7 specification. In this condition, the Bravada could not legally pass a California brake inspection
8 as described in paragraphs 63 through 68, above.

9 **TWENTY-FOURTH CAUSE FOR DISCIPLINE**

10 **(Fraud)**

11 70. Respondent Auto Logic's registration is subject to disciplinary action pursuant to
12 Code section 9884.7, subdivision (a)(4), for having committed acts constituting fraud, in that
13 Respondent Auto Logic obtained payment from the operator for performing the applicable
14 inspections, adjustments, or repairs of the brake and lighting systems on the Bureau's Astra as
15 specified by the Bureau and in accordance with the Vehicle Code. In fact, Respondent Auto
16 Logic failed to perform the necessary inspections, adjustments, and repairs in compliance with
17 Bureau Regulations as described in paragraphs 62 through 68, above.

18 **TWENTY-FIFTH CAUSE FOR DISCIPLINE**

19 **(Committing an Act Involving Dishonesty, Fraud, and/or Deceit)**

20 71. Respondent Auto Logic's Lamp Station License is subject to disciplinary action
21 pursuant to section 9889.3, subdivision (d), of the Code, for issuing Certificate of Compliance-
22 Lamp Adjustment #LA2289321 representing that the Bravada was in compliance with Bureau
23 Regulations or the Vehicle Code when it was not, as described in paragraphs 64 through 68,
24 above.

25 **TWENTY-SIXTH CAUSE FOR DISCIPLINE**

26 **(Committing an Act Involving Dishonesty, Fraud, and/or Deceit)**

27 72. Respondent Auto Logic's Brake Station License is subject to disciplinary action
28 pursuant to section 9889.3, subdivision (d), of the Code, for issuing Certificate of Compliance-

1 Brake Adjustment #BA2318084 representing that the Bravada was in compliance with Bureau
2 Regulations or the Vehicle Code when it was not, as described in paragraphs 63 through 68,
3 above.

4 **TWENTY-SEVENTH CAUSE FOR DISCIPLINE**

5 **(Committing an Act Involving Dishonesty, Fraud, and/or Deceit)**

6 73. Respondent Joseph P. Chang's Lamp Adjuster's License is subject to disciplinary
7 action pursuant to section 9889.3, subdivision (d), of the Code, for issuing Certificate of
8 Compliance-Lamp Adjustment #LA2289321 representing that the Bravada was in compliance
9 with Bureau Regulations or the Vehicle Code when it was not, as described in paragraphs 64
10 through 68, above.

11 **TWENTY-EIGHTH CAUSE FOR DISCIPLINE**

12 **(Committing an Act Involving Dishonesty, Fraud, and/or Deceit)**

13 74. Respondent Joseph P. Chang's Brake Adjuster License is subject to disciplinary
14 action pursuant to section 9889.3, subdivision (d), of the Code, for issuing Certificate of
15 Compliance-Brake Adjustment #BA2318084 representing that the Bravada was in compliance
16 with Bureau Regulations or the Vehicle Code when it was not, as described in paragraphs 63
17 through 68, above.

18 **TWENTY-NINTH CAUSE FOR DISCIPLINE**

19 **(Violation of Regulations)**

20 75. Respondent Joseph P. Chang's Lamp and Brake Adjuster's licenses are subject to
21 disciplinary action pursuant to Bus. & Prof. Code section 9889.3 (c), in that Respondent Joseph P.
22 Chang failed to comply with provisions of the California Code of Regulations, title 16, in the
23 following material respects:

24 a. **California Code of Regulations, title 16, section 3305, subdivision (a):**

25 Respondent Joseph P. Chang failed to inspect the front brake rotors, rear brake drums, and right
26 headlamp' on the Bravada.

27 b. **California Code of Regulations, title 16, section 3316, subdivision (d)(2):**

28 Respondent Joseph P. Chang failed to inspect the aim of headlights on the Bravada.

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

2 Respondent Joseph P. Chang certified that the Bravada's brake system was in compliance, when
3 in fact, the right front brake rotor and right rear brake drum were not in a serviceable condition.

4 d. **California Code of Regulations, title 16, section 3373:** Respondent Joseph P.

5 Chang generated false mid misleading records by issuing Certificate of Brake Adjustment

6 #BA2318084 and Certificate of Lamp Adjustment #LA2289321, stating that the Bravada's brake
7 rotors, drums, and headlights were inspected when they were not.

8 **OTHER MATTERS**

9 76. Pursuant to Bus. & Prof. Code section 9884.7, subdivision (c), the Director may
10 suspend, revoke, or place on probation the registration for all places of business operated in this
11 state by Respondent Joseph P. Chang, upon a finding that Respondent Chang has, or is, engaged
12 in a course of repeated and willful violations of the Automotive Repair Act or regulations adopted
13 pursuant to it.

14 **PRAYER**

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

17 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
18 256470, issued to Respondent Joseph P, Chang, Owner, dba Auto Logic;

19 2. Revoking or suspending Lamp Station License Number LS 256470, class A, issued to
20 Respondent Joseph P. Chang, Owner, dba Auto Logic;

21 3. Revoking or suspending Brake Station License Number BS 256470, class A, issued to
22 Respondent Joseph P. Chang, Owner, dba Auto Logic;

23 4. Suspending, revoking, or placing on probation the registration for any other places of
24 business operated in this state by Respondent Joseph P, Chang;

25 5. Revoking or suspending Brake Adjuster License Number BA146618, class A, issued
26 to Respondent Joseph P, Chang;

27 6. Revoking or suspending Lamp Adjuster License Number LA146618, class A, issued
28 to Respondent Joseph P. Chang;

1 7 . Revoking, suspending, or placing on probation any additional license issued under
2 Articles 5 and 6 of Chapter 20.3 of Division3 of the Code in the name of .Joseph P. Chang;

3 8 . Revoking or suspending Brake Adjuster License Number BA630396, issued to
4 Respondent Edward C. Tan;

5 9 . Revoking or suspending Lamp Adjuster License Number LA630396, issued to
6 Respondent Edward C. Tan;

7 10. Revoking, suspending, or placing on probation any additional license issued under
8 Articles 5 and 6 of Chapter 20.3 of Division 3 of the Code in the name of Respondent Edward C.
9 Tan;

10 11 Ordering Respondent Joseph P. Chang, Owner, dba Auto Logic, Respondent Joseph
11 P. Chang and/or Respondent Edward C. Tan to pay the Bureau of Automotive Repair the
12 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
13 Professions Code section 125.3; and,

14 12. Taking such other and further action as deemed necessary and proper.
15

16 DATED: March 26, 2018

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

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