

**BEFORE THE DIRECTOR OF THE  
DEPARTMENT OF CONSUMER AFFAIRS  
BUREAU OF AUTOMOTIVE REPAIR  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

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

25 Topsail Court (Mailing)  
Pleasant Hill, CA 94523

Automotive Repair Dealer License No.: ARD  
256470  
Lamp Station License No.: LS 256470, Class A  
Brake Station License No.: BS 256470, Class A  
Smog Check Inspector License No.: EO 146618  
Smog Check Repair Technician License No.: EI  
146618  
Brake Adjuster License No.: BA 146618, Class  
A  
Lamp Adjuster License No.: LA 146618, Class  
A

and

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

Smog Check Inspector License No.: EO 630396  
Smog Check Repair Technician License No.: EI  
630396  
Brake Adjuster License No.: BA 630396  
Lamp Adjuster License No.: LA 630396

Respondents.

Case No.: 77/16-5213

OAH No.: 2018090320

**DECISION**

The attached Proposed Decision of the Administrative Law Judge is hereby accepted and adopted by the Director of the Department of Consumer Affairs as the Decision in the above-


entitled matter, except that, pursuant to Government Code section 11517, subdivision (c)(2)(C), technical or other minor changes in the Proposed Decision are made as follows:

1. Page 1, caption: "(EU)" is corrected to "(EI)."

The technical or minor change made above does not affect the factual or legal basis of the Proposed Decision.

This Decision shall become effective at 5:00 PM on April 17, 2019.

DATED: March 12, 2019

  
\_\_\_\_\_  
GRACE ARUPO RODRIGUEZ  
Assistant Deputy Director  
Legal Affairs Division  
Department of Consumer Affairs

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

In the Matter of the Accusation Against:

JOSEPH P. CHANG, Owner  
dba AUTO LOGIC

Automotive Repair Dealer Registration  
No. ARD 256470  
Brake Adjusting Station License No. BS  
256470, Class A  
Lamp Adjusting Station License No. LS  
256470, 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

Lamp Adjuster License No. LA630396  
Brake Adjuster License No. BA630396  
Smog Check Inspector (EU) License No.  
630396  
Smog Check Repair Technician (EO)  
License No. 630396

Respondents.

Case No. 77/16-5213

OAH No. 2018090320

## PROPOSED DECISION

Administrative Law Judge Ruth S. Astle, State of California, Office of Administrative Hearings, heard this matter on November 14, 2018, in Oakland, California.

Deputy Attorney General Christopher M. Young represented complainant Patrick Dorais, Chief of the Bureau of Automotive Repair.

Respondents Joseph P. Chang and Edward C. Tan were present. William Ferreira, Attorney at Law, represented both respondents and Auto Logic. Both respondents were present throughout the proceeding.

The matter was submitted for decision on November 14, 2018.

## FACTUAL FINDINGS

The parties stipulated to the truth of all the factual bases of the accusation. They also stipulated to the admission of all 52 Exhibits.

1.e Patrick Dorais, Chief of the Bureau of Automotive Repair, brought the accusation in his official capacity.

2.e Auto Logic: On October 14, 2008, the Bureau of Automotive Repair (Bureau) issued Automotive Repair Dealer Registration No. ARD 256470 to Joseph P. Chang (Chang), owner, doing business as Auto Logic (Auto Logic), located in San Bruno, California. The Automotive Repair Dealer Registration will expire on October 31, 2019, unless renewed. On January 23, 2009, the Bureau issued Lamp Station License No. LS256470, Class A to respondent Auto Logic. On January 23, 2009, the Bureau issued Brake Station License BS256470, Class A to respondent Auto Logic.

3.e Joseph P. Chang: Respondent Chang was also licensed as a brake adjuster. License No. BA146618, Class A, was issued in 2004. The Brake Adjuster license expired on September 30, 2016, and has not been renewed. Respondent Chang was also licensed as a Lamp Adjuster. License No. LA146618, Class A, was issued in 2004. The Lamp Adjuster License expired on September 30, 2016, and has not been renewed. In 2003, the Bureau issued Advanced Emission Specialist License No. EA 146618 to respondent Chang. License No. EA 146618 was cancelled September 11, 2012. That license was renewed as Smog Check Inspector License No. EO 146618 and Smog Check Repair Technician License No. EI 146618. The Smog Check Inspector License and Smog Check Repair Technician Licenses will expire September 31, 2020.

4.e Edward C. Tan: Respondent Tan was licensed as a brake adjuster. Licensee No. BA630396, Class A, was issued to respondent Tan on March 9, 2009. The brake adjuster license expired on April 30, 2016, and has not been renewed. Respondent Tan was

licensed as a lamp adjuster. License No. LA630396, Class A, was issued to respondent Tan on February 19, 2009. The lamp adjuster license will expire on April 30, 2021, unless renewed. On August 15, 2008, the Bureau issued Advanced Emissions Specialist (EA) License No. EA 630396 to respondent Tan. The Advanced Emissions Specialist License was due to expire on April 30, 2014. The License was renewed as Smog Check Inspector License No. EO 630396 and Smog Check Repair Technician License No. EI 630396. The Smog Check Inspector License will expire April 30, 2020 and Smog Check Repair Technician License expired on April 30, 2016 and was not renewed.

#### *Undercover Operation #1*

5.n On March 24, 2016, an undercover operator from the Bureau drove a Bureau documented 1999 GMC Sonoma to respondent Auto Logic and requested a brake and lamp inspection.

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

7.n The vertical aim on the GMC Sonoma's right headlight was below specifications. Further, the vehicle's left tail lamp bulb was not functional. In this condition, the vehicle could not legally pass a lamp inspection.

n8.n Tamper indicators were installed on the GMC Sonoma's headlamp adjusters and wheels.

9.n The operator requested brake and lamp inspections and was informed by a service representative that the fee for both inspections would be \$125. The operator did not receive a written estimate and was not given a work order to sign. A short time later, the operator was informed by respondent Tan that the inspections were completed. The operator was told that the vehicle needed a bulb which was replaced. The operator signed and received a copy of a repair order and paid \$125 to Auto Logic. Respondent Auto Logic and respondent Tan gave the operator Brake Adjustment Certificate #BA2253060 and Lamp Adjustment Certificate #LA2224459, stating under penalty of perjury that the inspections were performed and adjustments or repairs to the GMC Sonoma were made.

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

## *Undercover Operation #2*

11.a On 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.

12.a The Astro'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 brake inspection.

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

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

15.a 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. The operator did not sign a work order or receive a written estimate. A short while later, the operator was informed by an employee of Auto Logic that the inspections had been completed. The operator was informed that the Astro's brakes were out of adjustment. An Auto Logic employee 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. Respondent Auto Logic gave the operator Repair Order 30011152, indicating that a brake and lamp inspection had been done and that the Astro failed the brake inspection due to the parking brake being out of adjustment. The operator also received Lamp Adjustment Certificate #LA2289366 indicating that the Astro's lamp system was in compliance with all specifications.

16.a 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. The Bureau's representative adjusted the Astro's parking brake cable and then instructed the operator to return the vehicle to the shop for another brake inspection. The operator did not sign a work order or receive a written estimate for the second inspection. After the inspection, respondent Auto Logic gave the operator Brake Adjustment Certificate #BA2253126 indicating that the Astro's brake system was in compliance with all specifications.

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

18.a On August 4, 2016, the Bureau inspected the Astro's headlight adjusters and found that the tamper indicators placed there were still intact indicating that no adjustment had been done. Further, the Bureau found that the Astro's left front headlight and right front headlight remained out of specification. The Astro's headlights were out of adjustment, so that Certificate of Adjustment-Lamp Adjustment # [REDACTED] should not have been issued.  
*Undercover Operation #3*

19.a On August 4, 2016, an operator from the Bureau drove a Bureau documented a 1992 Oldsmobile Bravada (Bravada) to respondent Auto Logic and requested a brake and lamp inspection.

20.a Both the Bravada's right front brake rotor and right rear brake drum did not meet manufacturer service specifications and needed adjustment. In this condition, the Bravada could not pass a brake inspection.

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

22.a Tamper indicators were installed on the Bravada's headlamp adjusters and wheels.

23.a The operator requested a brake and lamp inspection and was informed by Autoa Logic that the cost of both inspections would be \$120. The operator did not receive a written estimate or a work order to sign. A short while later, the operator was informed by Auto Logic that the left rear tail lamp bulb and the third brake lamp bulbs were out and that Auto Logic could not issue a lamp certificate due to the inoperative brake lamp bulbs. The operator was further advised that respondent Auto Logic could not give him a brake certificate 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.

24.a On August 4, 2016, the operator returned the Bravada to respondent Autoa 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 lamp and parking brake. Auto Logic issued and gave the operator Lamp Adjustment Certificate #LA2289321 and Brake Adjustment Certificate #BA2318084 indicating that the Bravada's lamp and brake systems were in compliance with specifications.

25.a 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 specifications

which would cause the vehicle to fail a lamp inspection. The left tail lamp bulb had been replaced by the Bureau. Certificate # [REDACTED] for lamp adjustment compliance should not have been issued. Further, the Bureau's representative found that the 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 should not have been issued.

#### *Costs*

26.a The Bureau has incurred \$19,790.26 and \$22,207.32 in investigative costs and a \$24,845 in enforcement costs, for a total of \$66,842.58. There was no break-down for the \$19,790.26.

#### *Respondents' Evidence*

27.a Respondent Tan testified that he was very busy and took a short cut by making visual inspections of the brakes and lamps. On June 4, 2018, after the Bureau notified him of his errors, he met with respondent Chang and discussed how to correct the errors so that it would not happen again. He understands that this is a safety issue and that a visual inspection is not appropriate. Respondent Tan's testimony was credible.

28.a Respondent Tan is an auto mechanic. He studied for five months at ATCa Santa Clara. This program was 15 hours a week. He has a Smog Check Inspector License. He has never had a problem with his Smog license. He has been working at Auto Logic for six years. It is a good working environment. He acts as a repair technician there. He believes Auto Logic is an honest place. He has never been asked to do unnecessary repairs. Respondent Tan is married and supports his family as an auto mechanic.

29.a Respondent Chang testified that Auto Logic was very busy at the time of the three undercover operations. He stated that there was a communication error between the front office and the repair employees. He claimed the certificates were filled out and signed at the time the work order was entered and that the certificates were mistakenly given to the customers before the certificates should have been delivered. This testimony was not credible. The inspections were done without taking the tires off and checking the brakes and without actually checking the lamps. Respondent Chang and Auto Logic charged for this service without accomplishing a brake or lamp check. This constitutes fraud, misrepresentation, and untrue and misleading statements.

30.a On June 4, 2018, respondent Chang met with all his employees, including a respondent Tan and the front office employee. They went through the proper protocol for brake and lamp certifications. All the employees agreed to follow the protocol.

31.a Respondents argued that the fraud cause for discipline for the first undercover run is barred by the statute of limitations. However, the discovery of the fraud is not



complete until the vehicle is brought back to be examined by the Bureau. That occurred on April 18, 2016. The accusation was signed March 26, 2018. Therefore, the accusation was brought less than two years from the discovery of the fraud.

## LEGAL CONCLUSIONS

### *Respondent Auto Logic's Automotive Repair Dealer Registration and Brake and Lamp Station Licenses and Licenses issued to respondent Tan and respondent Chang*

1.a Cause for discipline exists against Auto Logic, respondent Tan and respondent Chang, pursuant to Business and Professions Code<sup>1</sup> section 9884.7, subdivision (a)(1) (untrue or misleading statements), by reason of the matters set forth in Factual Findings 5 through 25.

2.a Cause for discipline against all respondents exists, pursuant to sections 9884.7, subdivisions (a)(5), and (a)(7), and section 9889.16 (failure to perform a proper brake and lamp inspection), by reason of the matters set forth in Factual Findings 5 through 25.

3.a Cause for discipline against all respondents exists, pursuant to sections 9884.7, subdivision (a)(6), subdivision (a) (violation of regulations), by reason of the matters set forth in Factual Findings 5 through 25. Specifically, Auto Logic, respondent Chang and respondent Tan failed to inform the operator of the percentage of braking material left on the vehicles. Auto Logic, respondent Chang and respondent Tan failed to perform a proper brake and lamp inspection and received payment from the operator, without providing a written estimate.

4.a Cause for discipline exists against all respondents, pursuant to section 9889.3, subdivision (c) (failure to comply with regulations), by reason of the matters set forth in Factual Findings 5 through 25. Specifically, respondents failed to inform the operator of the percentage of braking material left and failed to perform a proper brake and lamp inspection.

5.a Cause for discipline exists against all respondents, pursuant to Code section 9884.7, subdivision (a)(7) (willful departure from accepted trade standards), in that respondents failed to properly perform brake and lamp inspections, by reason of the matters set forth in Factual Findings 5 through 25.

6.a Cause for discipline exists against all respondents, pursuant to Code section 9884.7, subdivision (a)(5) (gross negligence), in that respondents committed acts constituting gross negligence when they failed to inspect the brake and lighting systems of the three vehicles. Respondents issued certificates indicating that the vehicles' brake and lighting

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<sup>1</sup> All statutory references are to the Business and Professions Code unless otherwise indicated.

systems were in compliance with the Bureau's regulations, pursuant to Factual Findings 5 through 25.

7.e Cause for discipline exists against all respondents, pursuant to section 9889.3,e subdivision (c), as that section interacts with California Code of Regulations, title 16, sections 3305 (failure to perform brake and lamp inspection), 3316, subdivision (d) (issuance of lamp certificate not in compliance), 3321, subdivision (c) (issuance of brake certificate not in compliance), and 3373 (false and misleading information on brake and lamp certificates), by reason of the matters set forth in Findings 5 through 25.

8.e Cause for discipline exists against all respondents, pursuant to section 9889.3,e subdivision (d) (dishonesty, fraud, or deceit), by reason of the matters set forth in Factual Findings 5 through 25.

9.e Cause for discipline exist against all respondents pursuant to section 9889.22e (willful false statement or entry), in that respondent Tan, while employed by respondent Chang and Auto Logic and each of them, made or authorized statement which each one knew or in the exercise of reasonable care should have known to be untrue or misleading when each vehicle received a certificate for brakes and lighting systems, which were signed by either respondent Tan or respondent Chang. (Factual Findings 5 through 25).

10.e Cause for discipline exists against all respondents pursuant to section 9889.16,e in that respondents failed to perform a proper lamp and brake inspection on the three vehicles set forth in Factual Findings 5 through 25.

#### *Other Matters*

11.e Section 9884.7, subdivision (c), provides that: "the director may suspend,e revoke, or place on probation the registration of all places of business operated in this state by an automotive repair dealer upon a finding that the automotive repair dealer has, or is, engaged in a course of repeated and willful violations of the Automotive Repair Act or regulation adopted pursuant to it."

#### *Penalty Determination*

12.e It is undisputed that respondents did not remove the wheels to perform brake inspections on the three vehicles. Respondents both admit that they should have removed the wheels to do a proper brake inspection. Both respondents appear to grasp the seriousness of this failure to properly perform brake inspections. The rules and regulations regarding the conduct of brake and lamp inspections are designed to protect the public from harm that can result from the operation of unsafe vehicles. Three undercover vehicles were certified by respondents as thoroughly inspected and safe for operation when they were not. Additionally, respondents failed to provide written estimates of repairs. Although this may seem to be a minor matter, it provides additional evidence of his failure to pay attention to statutory requirements. However, respondents have learned a hard lesson. They are now

committed to following all laws, rules and regulations. It would not be against the public interest to allow Auto Logic to continue to operate as an automotive repair dealer.

### *Cost Recovery*

13.o Generally, the Board's certification of the actual costs constitutes prima facie evidence of the reasonable costs of the investigation and enforcement of the case. (Bus. & Prof. Code, § 125.3.). The Bureau has incurred \$19,790.26 and \$22,207.32 in investigative costs and \$24,845 in enforcement costs, for a total of \$66,842.58. (Factual Finding 26). There was no break-down for the \$19,790.26. The \$19,790.26 is disallowed.

14.o In *Zuckerman v. State Bd. of Chiropractic Examiners* (2002) 29 Cal.4th 32, the Court set forth the factors to be considered in determining the reasonableness of costs. Those factors include: whether respondent has been successful at the hearing in getting charges reduced or dismissed; respondent's subjective good faith belief in the merits of his position; whether respondent has raised a colorable challenge to the proposed discipline; respondent's financial ability to pay the cost award; and whether the scope of the investigation was appropriate to the alleged conduct of the respondent.

Applying the *Zuckerman* factors, the amount of costs awarded complainant should be reduced. The Bureau's costs of preparing the three undercover vehicles will be reduced to \$10,000. The prosecution costs will be reduced to \$10,000. Respondents will be ordered to pay \$20,000. This is to be divided among the respondents. Respondent Tan owes \$3,000; Respondent Chang owes \$7,000; and Respondent Auto Logic owes \$10,000.

### ORDER

1.o Automotive Repair Dealer Registration number ARD 256470 issued to respondent Joseph P. Chang, Owner, doing business as Auto Logic, is permanently invalidated. However, the permanent invalidation is stayed for a two (2) year period of probation on the following terms and conditions:

a.o Comply with all statutes, regulations and rules governing automotive inspections, estimates, and repairs.

b.o Respondent or respondent's authorized representative must report in person or in writing as prescribed by the Bureau of Automotive Repair, on a schedule set by the Bureau, but no more frequently than each quarter, on the methods used and success achieved in maintaining compliance with the terms and conditions of probation.

c.o Within 30 days of the effective date of this action, report any financial interest which any partners, officers, or

owners of respondent's facility may have in any other business required to be registered pursuant to section 9884.6 of the Business and Professions Code.

d.e Provide Bureau representatives unrestricted access to inspect all vehicles (including parts) undergoing repairs, up to and including the point of completion.

e.e If an Accusation is filed against respondent during the term of probation, the Director of Consumer Affairs shall have continuing jurisdiction over this matter until the final decision on the Accusation, and the period of probation shall be extended until such decision.

f.e Should the Director of Consumer Affairs determine that respondent has failed to comply with the terms and conditions of probation, the Bureau may, after giving notice and opportunity to be heard, temporarily or permanently invalidate the registration.

2.e Smog Check Inspector License EO No. 146618 and Smog Check Repair Technician License No. EI 146618 issued to respondent Joseph P. Chang are revoked. However, the revocations are stayed for a two (2) year period of probation on the following terms and conditions:

a.e Comply with all statutes, regulations and rules governing automotive inspections, estimates, and repairs.

b.e Respondent or respondent's authorized representative must report in person or in writing as prescribed by the Bureau of Automotive Repair, on a schedule set by the Bureau, but no more frequently than each quarter, on the methods used and success achieved in maintaining compliance with the terms and conditions of probation.

c.e Within 30 days of the effective date of this action, report any financial interest which any partners, officers, or owners of respondent's facility may have in any other business required to be registered pursuant to section 9884.6 of the Business and Professions Code.

d.e Provide Bureau representatives unrestricted access to inspect all vehicles (including parts) undergoing repairs, up to and including the point of completion.

e.e If an Accusation is filed against respondent during the term of probation, the Director of Consumer Affairs shall have continuing jurisdiction over this matter until the final decision on the Accusation, and the period of probation shall be extended until such decision.

f.e Should the Director of Consumer Affairs determine that respondent has failed to comply with the terms and conditions of probation, the Bureau may, after giving notice and opportunity to be heard, temporarily or permanently invalidate the registration.

3.e Smog Check Inspector License EO No. 630396 and Smog Check Repair Technician License No. EI 630396 issued to respondent Edward C. Tan are revoked. However, the revocations are stayed for a two (2) year period of probation on the following terms and conditions:

a.e Comply with all statutes, regulations and rules governing automotive inspections, estimates, and repairs.

b.e Respondent or respondent's authorized representative must report in person or in writing as prescribed by the Bureau of Automotive Repair, on a schedule set by the Bureau, but no more frequently than each quarter, on the methods used and success achieved in maintaining compliance with the terms and conditions of probation.

c.e Within 30 days of the effective date of this action, report any financial interest which any partners, officers, or owners of respondent's facility may have in any other business required to be registered pursuant to section 9884.6 of the Business and Professions Code.

d.e Provide Bureau representatives unrestricted access to inspect all vehicles (including parts) undergoing repairs, up to and including the point of completion.

e.e If an Accusation is filed against respondent during the term of probation, the Director of Consumer Affairs shall have continuing jurisdiction over this matter until the final decision on the Accusation, and the period of probation shall be extended until such decision.

f.e Should the Director of Consumer Affairs determine that respondent has failed to comply with the terms

and conditions of probation, the Bureau may, after giving notice and opportunity to be heard, temporarily or permanently invalidate the registration.

4.e Lamp Station License number LS256470, Class A, issued to respondent Autoe Logic is revoked.

5.e Brake Station License number BS256470 Class A, issued to respondent Autoe Logic is revoked.

6.e Lamp Adjuster License number LA 146618, Class A, issued to respondent Joseph P. Chang is revoked.

7.e Lamp Adjuster License number LA630396, issued to Edward C. Tan is revoked.

8.e Brake Adjuster License number BA630396, issued to Edward C. Tan is revoked.

9.e Brake Adjuster License number BA146618, Class A, issued to respondent Joseph P. Chang is revoked.

10.e Any other Automotive Repair Dealer Registration issued to respondent under the Automotive Repair Act is revoked.

11.e Any additional license issued under the licensing provisions for lamp and brake adjusting stations to respondents is revoked.

12.e Respondent shall pay the Bureau the reasonable costs of investigation and enforcement in the amount of \$20,000, divided as set forth in Factual Finding 15. This amount shall be paid to the Bureau within 60 days of the effective date of this decision, unless the Bureau, upon a request from respondent, allows payment to be made in installments.

DATED: December 10, 2018

DocuSigned by:  
*Ruth S. Astle*  
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RUTH S. ASTLE  
Administrative Law Judge  
Office of Administrative Hearings

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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. 77/10-5213

11 **JOSEPH P. CHANG, Owner**  
12 **dba AUTO LOGIC**  
13 **265 San Bruno Avenue East**  
**San Bruno, CA 94066**

**A C C U S A T I O N**

14 **Mailing Address:**  
15 **25 Topsail Court**  
**Pleasant Hill, CA 94523**

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

21 **And**

22 **EDWARD C. TAN**  
23 **265 San Bruno Avenue East**  
**San Bruno, CA 94066**

24 **Lamp Adjuster License No. LA630396,**  
25 **Brake Adjuster License No. BA630396,**  
**Smog Check Inspector License No. EO630396,**  
26 **Smog Check Repair Technician License No.**  
**EI630396**

27 Respondents.  
28

1 Complainant alleges:

2 **PARTIES**

3 1.e 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.e 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.e 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.e On or about January 23, 2009, the Bureau of Automotive Repair issued Brake Station  
19 License No. BS256470, 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.

28 **///**



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)<sup>1</sup>, said license  
12    was renewed pursuant to Respondent Chang's election as Smog Check Inspector (EO) 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.

22        ///

23        ///

24        ///

25        \_\_\_\_\_  
26        <sup>1</sup> 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.

1        Lamp Adjuster License

2        9.e Respondent Edward C. Tan was licensed as a Lamp Adjuster under the Automotive  
3 Repair Act of 1971. License No. LA630396, class A, was issued to Respondent Tan on or about  
4 February 19, 2009. The Lamp Adjuster License will expire on April 30, 2021, unless it is  
5 renewed.

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

8        10.e On or about August 15, 2008, the Bureau of Automotive Repair issued Advanced  
9 Emission Specialist (EA) License No. EA630396 to Respondent Edward C. Tan, under SB1997,  
10 the biennial Smog Check Program implemented January 1, 1990. License Number EA630396  
11 was due to expire on April 30, 2014, however, the license was cancelled on February 27, 2014.  
12 Pursuant to California Code of Regulations, title 16, section 3340.28, subsection (e), said license  
13 was renewed pursuant to Respondent Edward C. Tan's election as Smog Check Inspector License  
14 No. EO630396 and Smog Check Repair Technician License No. EI630396, effective February 27,  
15 2014. The Smog Check Inspector (EO) License will expire on April 30, 2018, unless it is  
16 renewed. The Smog Check Repair Technician (EI) License expired on April 30, 2016, and has  
17 not been renewed.

18                                **JURISDICTION**

19        11.e This Accusation is brought before the Director of the Department of Consumer  
20 Affairs (Director) for the Bureau of Automotive Repair, under the authority of the following laws.  
21 All section references are to the Business and Professions Code unless otherwise indicated.

22                                **STATUTORY PROVISIONS**

23        12.e Section 477, subdivision (b), of the Code states that "License" includes certificate,  
24 registration or other means to engage in a business or profession regulated by this code.

25        13.e Section 9884.7 of the Code states in pertinent part:

26        "(a) The director, where the automotive repair dealer cannot show there was a bona fide  
27 error, may deny, suspend, revoke, or place on probation the registration of an automotive repair  
28 dealer for any of the following acts or omissions related to the conduct of the business of the

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)eMaking 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)eAny other conduct which constitutes fraud.e

8 (5)eConduct constituting gross negligence.e

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

11 (7)eAny willful departure from or disregard of accepted trade standards for good ande  
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 ..."

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

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 make a notation on the work order of the date,  
27 time, name of person authorizing the additional repairs and telephone number called, if any,  
28

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.e Section 9889.3 of the Code states:e

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)eViolates any of the regulations promulgated by the director pursuant to this chapter [thee  
9 Automotive Repair Act].

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

11 "..."

12 16.e Section 9889.16 of the Code states:e

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.e Section 9889.22 of the Code states:e

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

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 and recommended procedures,  
4 as published in the manufacturers' vehicle service and repair manuals.

5 ..."

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

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

9 ...

10 (d)s Effective April 1, 1999, licensed stations shall purchase certificates of adjustment froms  
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)s Where all of the lamps, lighting equipment, and related electrical systems on a vehicles  
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.s California Code of Regulations, title 16, section 3321(c)(2), states:s

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

25 ...

26 (c)s Effective April 1, 1999, licensed stations shall purchase certificates of adjustment froms  
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

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

4 ...

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

9 ..."

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

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

13 ...

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

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

20 ..."

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

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

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

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

27 "No automotive repair dealer or individual in charge shall, in filling out an estimate,  
28 invoice, or work order, or record required to be maintained by section 3340.15(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.e Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
6 administrative law judge to direct a licensee 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 licensee 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 25.e On or about March 24, 2016, an undercover operator from the Bureau drove a Bureau  
13 documented 1999 GMC Sonoma (GMC Sonoma) to Respondent Auto Logic and requested a  
14 brake and lamp inspection.

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

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

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

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

1 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 Brake Adjustment Certificate # [REDACTED] and Lamp  
4 Adjustment Certificate # [REDACTED] stating under penalty of perjury that the inspections were  
5 performed and adjustments or repairs to the GMC Sonoma were made.

6 30.e 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.e 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.e Respondent Auto Logic's registration is subject to disciplinary action pursuant to  
17 section 9884.7, subdivision (a)(1) 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 untrue or misleading, as follows:

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

26 b.e Respondent Auto Logic and/or Respondent Edward C. Tan certified under penalty of  
27 perjury on Lamp Certificate # [REDACTED] 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.o Respondent Auto Logic's registration is subject to disciplinary action pursuant to Bus.o  
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.o Respondent Auto Logic's registration is subject to disciplinary action pursuant to Bus.o  
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)(1):**

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.o **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.o Respondent Auto Logic's Brake Station and Lamp Station licenses are subject too  
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

1 the California Code of Regulations, title 16, section 3321, subdivision (d)(1), and section 3353  
2 subdivision (a), as set forth in paragraph 29, above.

3 **FIFTH CAUSE FOR DISCIPLINE**

4 **(Willful Departure from Accepted Trade Standards)**

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

9 **SIXTH CAUSE FOR DISCIPLINE**

10 **(Gross Negligence)**

11 37.s Respondent Auto Logic's registration is subject to disciplinary action pursuant to  
12 Code section 9884.7, subdivision (a)(5), in that Respondent Auto Logic and/or Respondent Auto  
13 Logic's Technician Respondent Edward C. Tan committed acts constituting gross negligence in  
14 that they failed to inspect the brake and lighting systems on the 1999 GMC Sonoma. Respondent  
15 Auto Logic and/or Respondent Auto Logic's Technician Respondent Edward C. Tan then issued  
16 Certificate of Brake Adjustment # [REDACTED] and Certificate of Lamp Adjustment # [REDACTED]  
17 indicating that the vehicle's brake and lamp systems were in compliance with Bureau Regulations  
18 or the Vehicle Code when they were not, as described in paragraphs 26 through 31, above.

19 **SEVENTH CAUSE FOR DISCIPLINE**

20 **(Fraud)**

21 38.s Respondent Auto Logic's registration is subject to disciplinary action pursuant to  
22 section 9884.7, subdivision (a)(4) of the Code, for committing acts constituting fraud, in that  
23 Respondent Auto Logic and/or Respondent Edward C. Tan obtained payment from the operator  
24 for performing the applicable inspections, adjustments, or repairs of the brake and lighting  
25 systems on the Bureau's 1999 GMC Sonoma when, in fact, Respondent Joseph P. Chang dba  
26 Auto Logic and/or Respondent Joseph P. Chang and/or Respondent Joseph P. Chang dba Auto  
27 Logic's Technician Respondent Edward C. Tan failed to perform the necessary inspections,  
28 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.a Respondent Edward C. Tan's Brake Adjuster License and/or Lamp Adjuster Licensea 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.a Respondent Edward C. Tan certified under penalty of perjury on Brake Certificatea # [REDACTED] 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.a Respondent Edward C. Tan certified under penalty of perjury on Lamp Certificatea [REDACTED] 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.a Respondent Edward C. Tan's Lamp Adjuster and Brake Adjuster licenses are subjecta 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 GMCa Sonoma, as described in paragraphs 26 through 31, above.

///

///

1 **TENTH CAUSE FOR DISCIPLINE**

2 **(Violation of Regulations)**

3 41.e Respondent Edward C. Tan's Lamp Adjuster and Brake Adjuster licenses are subjecte  
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.e. **California Code of Regulations, title 16, section 3353 subdivision (a):** Respondente

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

13 **ELEVENTH CAUSE FOR DISCIPLINE**

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

15 42.e Respondent Edward C. Tan's Lamp Adjuster license is subject to disciplinary actione  
16 pursuant to Bus. & Prof. Code section 9889.3, subdivision (d), for issuing Certificate of  
17 Compliance-Lamp Adjustment # [REDACTED] 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.e Respondent Edward C. Tan's Brake Adjuster License is subject to disciplinary actione  
23 pursuant to Bus. & Prof. Code section 9889.3, subdivision (d), for issuing Certificate of  
24 Compliance-Brake Adjustment # [REDACTED] 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.

27 ///

28 ///

**UNDERCOVER OPERATION #2: 1995 Chevrolet Astro**

44.e 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.e The Astro'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.e 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 Astro could not legally pass a California lamp inspection.

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

48.e 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 Astro'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 [REDACTED] indicating that a brake and lamp inspection had been done and that the Astro failed the brake inspection due to the parking brake being out of adjustment. The operator also received Lamp Adjustment Certificate # [REDACTED] 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.e 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.<sup>2</sup>

<sup>2</sup> The Bureau's representative adjusted the Astro'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 # [REDACTED] indicating that the Astro's brake system was in compliance with Bureau regulations,  
4 the Vehicle Code, and the Business & Professions Code.

5 50.e On August 4, 2016, the Bureau inspected the Astro's brake system and found alle  
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 Astro's brake system was out of compliance,  
9 indicating that Certificate of Adjustment-Brake Adjustment #BA2253126 should not have been  
10 issued.

11 51.e On August 4, 2016, the Bureau inspected the Astro's headlight adjusters and founde  
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 Astro'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 # [REDACTED] should not have been  
16 issued.

### 17 **THIRTEENTH CAUSE FOR DISCIPLINE**

#### 18 **(Untrue or Misleading Statements)**

19 52.e Respondent Auto Logic's registration is subject to disciplinary action pursuant to Bus.e  
20 & Prof. Code section 9884.7, subdivision (a)(1), 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.e Respondent Auto Logic issued Repair Order [REDACTED] representing that a brake ande  
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.e Respondent Auto Logic certified under penalty of perjury on Brake Certificatee  
27 [REDACTED] 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.e Respondent Auto Logic certified under penalty of perjury on Lamp Certificatee  
4 [REDACTED] 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.e 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 Astro 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 **FIFTEENTH CAUSE FOR DISCIPLINE**

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

20 54.e 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 # [REDACTED] and Certificate of Compliance-Brake Adjustment # [REDACTED]  
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.e Respondent Auto Logic's registration is subject to disciplinary action pursuant to Bus.e  
28 & Prof. Code section 9884.7, subdivision (a)(6), in that it failed to comply with provisions of the

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

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

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

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

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

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

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

10 d.e. **California Code of Regulations, title 16, section 3373:** Respondent Auto Logice  
11 generated false and misleading records by issuing Certificate of Brake Adjustment [REDACTED]  
12 and Certificate of Lamp Adjustment # [REDACTED], stating that the Astro's brake rotors, drums,  
13 and headlights were inspected when they were not.

14 **SEVENTEENTH CAUSE FOR DISCIPLINE**

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

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

21 **EIGHTEENTH CAUSE FOR DISCIPLINE**

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

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

28 ///



1 **NINETEENTH CAUSE FOR DISCIPLINE**

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

3 58.e 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.e 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 [REDACTED] 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.e 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 [REDACTED] 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.e Respondent Joseph P. Chang's Brake Adjuster License and Lamp Adjuster Licensee  
e22 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.e. 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 fact, 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 [REDACTED] and Certificate of Lamp Adjustment [REDACTED], 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.e On or about August 4, 2016, an operator from the Bureau drove a Bureau documentse  
13 1992 Oldsmobile Bravada (Bravada) to Respondent Auto Logic and requested a brake and lamp  
14 inspection.

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

18       64.e The Bravada's right front headlight was misadjusted excessively up and out of e  
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.e Tamper indicators were installed on the Bravada's headlamp adjusters and wheels.e

22       66.e The operator requested a brake and lamp inspection and was informed by Respondente  
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

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

3 67.e On August 4, 2016, the operator returned the Bravada to Respondent Auto Logic for a  
4 second brake and lamp inspection and advised Respondent Auto Logic that the brakes had been  
5 adjusted and that the left rear tail lamp bulb had been replaced. Respondent Auto Logic checked  
6 the Bravada's lamps and parking brake. Respondent Auto Logic issued and gave the operator

7 [REDACTED]  
8 indicating that the Bravada's lamp and brake systems were in compliance with Bureau  
9 regulations, the Vehicle Code and the [REDACTED] & Professions Code.

10 68.e On August 26, 2016, a Bureau program representative inspected the Bravada's lamp  
11 and brake system. The Bureau's representative found that the tamper indicators on the headlight  
12 adjusters were intact and that the right headlight remained out of specification which would cause  
13 the vehicle to fail a lamp inspection.<sup>3</sup> Certificate [REDACTED] for lamp adjustment compliance  
14 should not have been issued. Further, the Bureau's representative found that tamper indicators on  
15 all of the Bravada's wheels were not broken, indicating that the wheels had not been removed.  
16 The Bravada's right front brake rotor and right rear brake drum did not meet manufacturer's  
17 specifications which would cause the vehicle to fail a brake inspection. Certificate # [REDACTED]  
18 for brake system compliance should not have been issued.

19 **TWENTY-THIRD CAUSE FOR DISCIPLINE**

20 **(Untrue or Misleading Statements)**

21 69.e 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  
22 knew or in the exercise of reasonable care should have known to be untrue or misleading, as  
23 follows:  
24

25 a.e Respondent Auto Logic certified under penalty of perjury on Lamp Certificate  
26 [REDACTED] that the applicable adjustments had been performed on the lighting system on the

27  
28 <sup>3</sup> 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.e Respondent Auto Logic certified under penalty of perjury on Brake Certificatee  
5 # [REDACTED] 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.e 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 Astro 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.e 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 [REDACTED] 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.e 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 [REDACTED] 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.e 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 [REDACTED] 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.e 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 [REDACTED] 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.e 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.

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

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

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

## Chang generated false and misleading records by issuing Certificate of Brake Adjustment

██████████ and Certificate of Lamp Adjustment ██████████ stating that the Bravada's brake rotors, drums, and headlights were inspected when they were not.

## OTHER MATTERS

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

## PRAYER

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

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

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

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

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

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

6.e Revoking or suspending Lamp Adjuster License Number LA146618, class A, issued 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 Division 3 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

Patrick Dorais

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

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