

# ACCUSATION CASE STUDY

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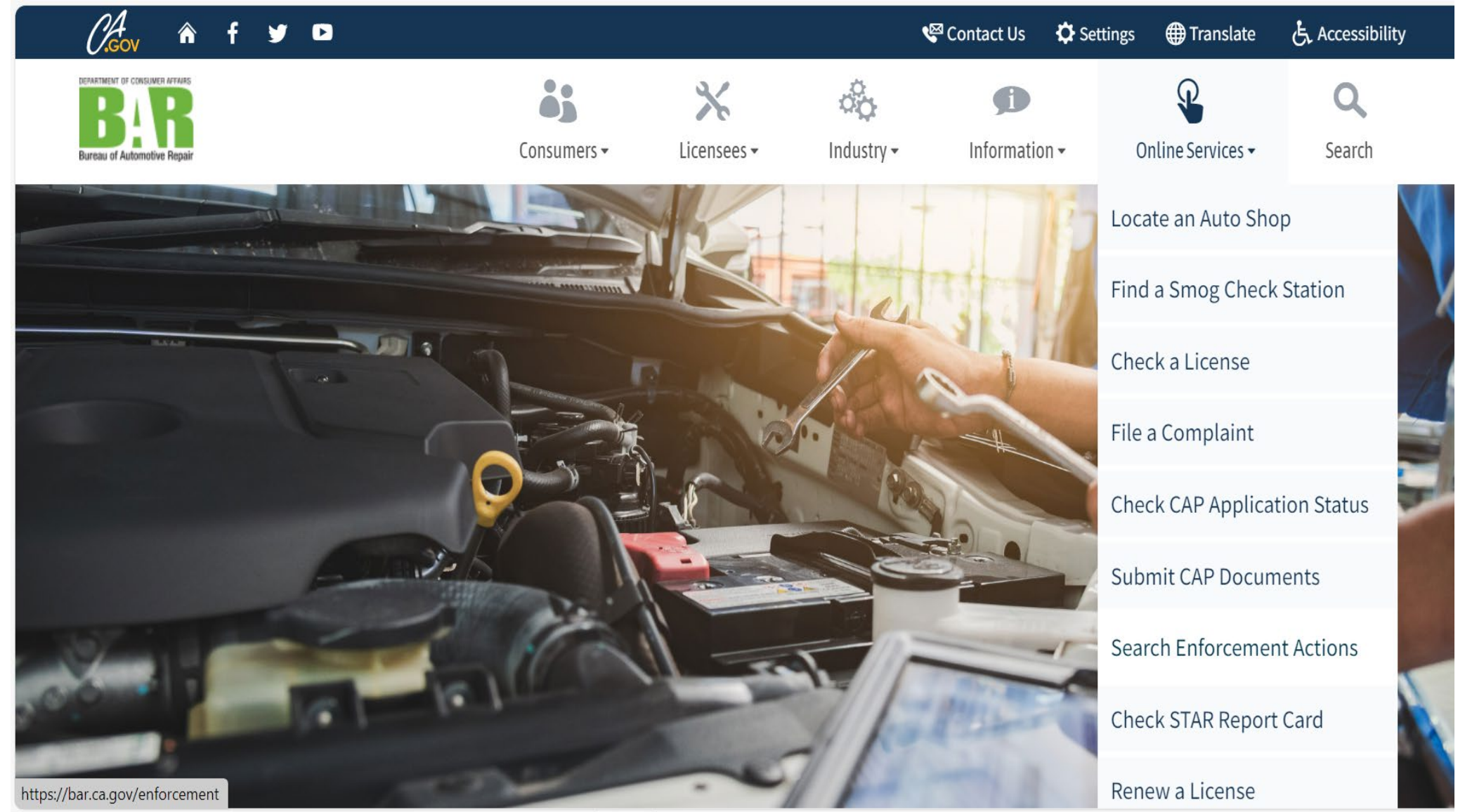
Bill Thomas, Deputy Chief  
Bureau Advisory Group  
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Bureau of Automotive Repair

# Accusation Postings (1 of 2)

Screenshot showing BAR's website and the "Online Services" drop-down menu expanded to show "Search Enforcement Actions."



# Accusation Postings (2 of 2)

Screenshot showing the drop-down menu on the “Search Enforcement Actions” page.

CA.GOV

DEPARTMENT OF CONSUMER AFFAIRS  
**BAR**  
Bureau of Automotive Repair

Contact Us Settings Translate Accessibility

Consumers Licensees Industry Information Online Services Search

## Enforcement Actions

**Enforcement Action**

Accusations Filed

All  
Accusations Filed  
Disciplinary Actions  
Citations Issued  
Unlicensed Citations Issued

**Date Range**

Select Date to Select Date

Search

*Related Links*

- Laws and Regulations
- Precedential Decisions
- Disciplinary Guidelines
- Complaints
- News Releases
- License Search
- Enforcement and Licensing Data

Please note, information for the three most recent calendar months may not be available at this time.

# Accusation Background

## Pattern of Complaints

- Consumer Allegations:
  - Fraud
  - False and Misleading Statements
  - Oversell

# Investigation

- Undercover Vehicle
  - Replicate consumer experience
  - ‘Real World’ scenario
  - Created a misfire in one cylinder (Fuel Injection)
  - Mid-1990s model year with approximately 150,000 miles

# Repair Transaction (1 of 4)

- Dropped vehicle off at repair facility
- Spoke with salesperson
- Filled out “Customer Information Sheet”
- No estimate provided
- Customer did not sign any documents

# Repair Transaction (2 of 4)

- Same day, salesperson called and recommended:
  - Distributor cap and rotor
  - Spark plugs
  - Spark plug wires
  - PCV Valve
- Salesperson stated these parts were “bad and worn out”
- The recommended repairs were authorized

# Repair Transaction (3 of 4)

- The next day, technician/salesperson calls and states:
  - All approved parts were installed, and car runs better
  - However, the vehicle needed a computer because it was “not sending the proper signal to the injector”
  - Further, prior to the replacement of the approved parts, the computer “got used to sending a bad signal”
- Repair facility representative also stated failure to replace the computer would create a “risk of piston damage”
- Replacement of the computer was authorized



# Repair Transaction (4 of 4)

- Nearly two weeks later the BAR investigator called and was told:
  - The technician stated “the car was fighting him”
  - The car runs “exponentially better” but still has a problem
- Two days later the investigator called and was told:
  - The problem was fixed. They found:
    - The computer caused “extra ohms to go into the injector circuit and melted two wires together”
    - The circuit “became super-hot the other side of the resistor”

# Findings

- Upon reinspection, BAR determined the defective resistor in the injector circuit had been replaced, correcting the problem
  - The repair facility did not charge for the injector out of goodwill
  - The facility failed to include the resistor on the invoice
  - The facility charged for and replaced the initially authorized parts
  - The PCM was NOT replaced as invoiced and charged
  - The resistor was replaced by twisting the wires together, crude soldering, and tape

# Administrative Hearing

- At hearing, the repair facility and BAR argued the necessity of the plugs, wires, etc.
- At hearing, the technician stated he had secured a different computer and swapped circuit boards
  - BAR was not prepared for such an argument and unable to prove this couldn't/didn't happen
- The ALJ determined BAR failed to meet its burden of proof and proposed dismissing the accusation, which was affirmed by the DCA Director

# Contact Information

Bill Thomas

[Bill.Thomas@dca.ca.gov](mailto:Bill.Thomas@dca.ca.gov)

**[www.bar.ca.gov](http://www.bar.ca.gov)**



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