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

11
12 In the Matter of the Accusation Against:

Case No. **77/15-14274**

13 **RIPPER'S BODY SHOP, INC.**
14 **GARY LESTER SIMMONS, PRESIDENT**
15 **TERRESA RENE SIMMONS,**
16 **SECRETARY/TREASURER**
17 **2435 West Capital Avenue**
18 **West Sacramento, CA 95691**

A C C U S A T I O N

Automotive Repair Dealer Reg. No. ARD 220052

Respondent.

19 Complainant alleges:

20 **PARTIES**

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

23 2. On or about March 5, 2002, the Director of Consumer Affairs ("Director") issued
24 Automotive Repair Dealer Registration Number ARD 220052 to Ripper's Body Shop, Inc.
25 ("Respondent"), with Gary Lester Simmons as president and Terresa Rene Simmons as secretary
26 and treasurer. The automotive repair dealer registration was in full force and effect at all times
27 relevant to the charges brought herein and will expire on January 31, 2018, unless renewed.

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

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1 **COST RECOVERY**

2 9. Code section 125.3 provides, in pertinent part, that a Board may request the
3 administrative law judge to direct a licensee found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case.

6 **BACKGROUND**

7 10. On or about May 27, 2015, a representative of the Bureau and an investigator of the
8 Yolo County District Attorney's Office ("D.A. investigator") made a field visit to Respondent's
9 facility. The Bureau representative requested all records pertaining to the last 30 insurance
10 claims/consumer vehicles the facility had repaired for over \$3,000, including written estimates,
11 authorizations (work orders), invoices, parts receipts, payments, and photographs.

12 11. On or about June 2, 2015, the Bureau Representative returned to the facility and
13 obtained various records, including documentation pertaining to a 2011 Kia Sportage owned by
14 consumer B. G. and a 2002 Subaru Impreza WRX owned by consumer J. S.

15 **VEHICLE INSPECTION #1: 2011 KIA SPORTAGE**

16 12. On or about August 6, 2015, the Bureau and the D.A. investigator inspected B. G.'s
17 2011 Kia Sportage using an insurance estimate dated February 15, 2014, in the amount of
18 \$10,005.52 that had been prepared by California Casualty Management Company as well as the
19 repair records provided by Respondent. California Casualty Management Company had paid
20 Respondent a total of \$9,755.52 for the repairs; B. G. had paid the \$250 insurance deductible.
21 The Bureau found that the vehicle had not been repaired as set forth on the insurance estimate.
22 The total value of the repair Respondent failed to perform as estimated is approximately \$97.85.

23 **FIRST CAUSE FOR DISCIPLINE**

24 **(Fraud)**

25 13. Respondent is subject to disciplinary action pursuant to Code section 9884.7,
26 subdivision (a)(4), in that Respondent committed an act constituting fraud, as follows:
27 Respondent obtained payment from California Casualty Management Company and B. G. for

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1 refinishing the front bumper impact bar (reinforcement bar) on B. G.'s 2011 Kia Sportage when,
2 in fact, that part had not been refinished on the vehicle.

3 **VEHICLE INSPECTION #2: 2002 SUBARU IMPREZA WRX**

4 14. On or about August 6, 2015, the Bureau and the D.A. investigator inspected J. S.'s
5 2002 Subaru Impreza WRX using an insurance estimate dated February 2, 2015, in the amount of
6 \$4,107.26 that had been prepared by Liberty Mutual Fire Insurance Company as well as the repair
7 records provided by Respondent. Liberty Mutual Fire Insurance Company had paid Respondent
8 \$3,607.26 for the repairs; J. S. had paid the \$500 insurance deductible. The Bureau found that the
9 vehicle had not been repaired as set forth on the insurance estimate. The total value of the repairs
10 Respondent failed to perform as estimated is approximately \$1,348.78.

11 **SECOND CAUSE FOR DISCIPLINE**

12 **(Fraud)**

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

15 a. Respondent obtained payment from Liberty Mutual Fire Insurance Company and J. S.
16 for refinishing the left front fender on J. S.' 2002 Subaru Impreza WRX when, in fact, that part
17 had not been refinished on the vehicle.

18 b. Respondent obtained payment from Liberty Mutual Fire Insurance Company and J. S.
19 for chip-guarding the left front fender on J. S.' 2002 Subaru Impreza WRX when, in fact, that part
20 had not been chip-guarded.

21 c. Respondent obtained payment from Liberty Mutual Fire Insurance Company and J. S.
22 for repairing the left rear inner fender on J. S.' 2002 Subaru Impreza WRX when, in fact, that part
23 had not been repaired on the vehicle.

24 d. Respondent obtained payment from Liberty Mutual Fire Insurance Company and J. S.
25 for refinishing the left rear inner fender on J. S.' 2002 Subaru Impreza WRX when, in fact, that
26 part had not been refinished on the vehicle.

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1 e. Respondent obtained payment from Liberty Mutual Fire Insurance Company and J. S.
2 for replacing the front crossmember on J. S.' 2002 Subaru Impreza WRX. In fact, that part had
3 not been replaced on the vehicle; it had been repaired instead.

4 **OTHER MATTERS**

5 16. Pursuant to Code section 9884.7, subdivision (c), the Director may suspend, revoke,
6 or place on probation the registration for all places of business operated in this state by
7 Respondent Ripper's Body Shop, Inc. upon a finding that Respondent has, or is, engaged in a
8 course of repeated and willful violations of the laws and regulations pertaining to an automotive
9 repair dealer.

10 **PRAYER**

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


13 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
14 220052, issued to Ripper's Body Shop, Inc.;

15 2. Revoking or suspending any other automotive repair dealer registration issued in the
16 name of Ripper's Body Shop, Inc.;

17 3. Ordering Ripper's Body Shop, Inc. to pay the Bureau of Automotive Repair the
18 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
19 Professions Code section 125.3; and

20 4. Taking such other and further action as deemed necessary and proper.

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22 DATED: May 8, 2017


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

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