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

12 In the Matter of the Accusation Against:

Case No. 7116-5698

13 **SENGSO ENTERPRISES INC., DBA 101**
14 **AUTO BODY; HENRY KENJI SENG,**
15 **PRESIDENT/SECRETARY/TREASURER**
5327 Jacuzzi Street, Unit 3A
Richmond, CA 94804

A C C U S A T I O N

16 **Automotive Repair Dealer Registration No.**
17 **ARD 260682**

18 Respondent.

19 Complainant alleges:

20 **PARTIES**

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

23 2. On or about February 3, 2010, the Bureau of Automotive Repair issued Automotive
24 Repair Dealer Registration Number ARD 260682 to Sengso Enterprises Inc., doing business as
25 101 Auto Body; Henry Kenji Seng, President/Secretary/Treasurer ("Respondent"). The
26 Automotive Repair Dealer Registration was in full force and effect at all times relevant to the
27 charges brought in this Accusation and will expire on January 31, 2018, unless renewed.

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4. Code Section 477 provides, in pertinent part, that “Board” includes “bureau,” “commission,” “committee,” “department,” “division,” “examining committee,” “program,” and “agency.” “License” includes certificate, registration or other means to engage in a business or profession regulated by this code.”

5. Code Section 9884.13 provides, in pertinent part, that the expiration of a valid registration shall not deprive the director or chief of jurisdiction to proceed with a disciplinary proceeding against an automotive repair dealer or to render a decision invalidating a registration temporarily or permanently.

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“(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

“(b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.

“(c) A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code.”

7. Code section 9884.7, subdivision (a), states, in pertinent part:

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

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“(4) Any other conduct that constitutes fraud.”

COST RECOVERY

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

BACKGROUND

9. On or about January 19, 2016, in a criminal matter entitled “*The People of the State of California v. Henry Kenji Seng*,” in the Alameda County Superior Court, Case No. 465588, Respondent Henry Kenji Seng was convicted by plea of no contest of insurance fraud, a misdemeanor. (Pen. Code § 550, subd. (b)(1).) Respondent was ordered to pay \$19,208.63 in restitution directly to the Alameda County District Attorney’s Office. The conviction was based upon Respondent providing false and misleading information on an insurance claim.

FIRST CAUSE FOR DISCIPLINE

(Conviction of Substantially Related Crime)

(Bus. & Prof Code, § 490)

10. Respondent has subjected its Automotive Repair Dealer Registration to disciplinary action in that Henry Kenji Seng, President/Secretary/Treasurer, was convicted of a crime substantially related to the qualifications, functions, and duties of a person holding an Automotive Repair Dealer Registration. (Bus. & Prof. Code, § 490.) The circumstances are set forth in paragraph 9, above.

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

DATED: May 30, 2017 Patrick Dorais

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

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