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

10 In the Matter of the Accusation Against:

Case No. 77/11-36

11 **DEANS BODY SHOP**
12 **40140 Enterprise Drive**
13 **Oakhurst, CA 93644**
14 **LORI ANN LAGOW, OWNER**

DEFAULT DECISION AND ORDER

15 **Automotive Repair Dealer Registration No.**
16 **ARD 181482**

[Gov. Code, §11520]

Respondent.

17
18 FINDINGS OF FACT

19 1. On or about December 9, 2011, Complainant Sherry Mehl, in her official capacity as
20 the Chief of the Bureau of Automotive Repair, Department of Consumer Affairs, filed Accusation
21 No. 77/11-36 against Respondent Lori Ann Lagow doing business as Deans Body Shop
22 (Respondent) before the Director of Consumer Affairs. (Accusation attached as Exhibit A.)

23 2. On or about January 1, 1994, the Bureau of Automotive Repair (Bureau) issued
24 Automotive Repair Dealer Registration No. ARD 181482 to Respondent. The Automotive
25 Repair Dealer Registration expired on December 31, 2010, and has not been renewed.

26 3. On or about December 14, 2011, Respondent was served by Certified Mail and First
27 Class United States Mail copies of the Accusation No. 77/11-36, Statement to Respondent, Notice
28 of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5,

1 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business and
2 Professions Code section 136, is required to be reported and maintained with the Bureau, which
3 was and is: 40140 Enterprise Drive, Oakhurst, CA 93644.

4 4. Service of the Accusation was effective as a matter of law under the provisions of
5 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
6 124.

7 5. On or about January 23, 2012, First Class Mail to Respondent of the aforementioned
8 documents identified in Paragraph 3 above was returned by the United States Postal Service
9 marked "Unable to Forward." The mailing envelope for Certified Mail Receipt of the
10 aforementioned documents was returned "unclaimed" by the United States Postal Service on or
11 about January 27, 2012.

12 6. Government Code section 11506 states, in pertinent part:

13 (c) The respondent shall be entitled to a hearing on the merits if the respondent
14 files a notice of defense, and the notice shall be deemed a specific denial of all parts
15 of the accusation not expressly admitted. Failure to file a notice of defense shall
constitute a waiver of respondent's right to a hearing, but the agency in its discretion
may nevertheless grant a hearing.

16 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of
17 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No.
18 77/11-36.

19 8. California Government Code section 11520 states, in pertinent part:

20 (a) If the respondent either fails to file a notice of defense or to appear at the
21 hearing, the agency may take action based upon the respondent's express admissions
22 or upon other evidence and affidavits may be used as evidence without any notice to
respondent.

23 9. Pursuant to its authority under Government Code section 11520, the Director after
24 having reviewed the proof of service dated December 14, 2011, signed by Lois Carnahan, finds
25 Respondent is in default. The Director will take action without further hearing and, based on
26 Accusation, No. 77/11-36, proof of service and on the Affidavit of Bureau Representative Edward
27 Nichols, finds that the allegations in Accusation No. 77/11-36 are true.

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DEANS BODY SHOP DEFAULT
DOJ Matter ID:SA2011101959

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

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3 STERLING A. SMITH
Deputy Attorney General
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7 *Attorneys for Complainant*

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Oakhurst, CA 93644
14 **LORI ANN LAGOW, OWNER**
Automotive Repair Dealer Registration No.
15 **ARD 181482**

A C C U S A T I O N

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Sherry Mehl ("Complainant") brings this Accusation solely in her official capacity as
21 the Chief of the Bureau of Automotive Repair ("Bureau"), Department of Consumer Affairs.

22 **Automotive Repair Dealer Registration**

23 2. On a date uncertain in 1994, the Bureau issued Automotive Repair Dealer
24 Registration Number ARD 181482 ("registration") to Lori Ann Lagow ("Respondent"), doing
25 business as Deans Body Shop. The registration expired on December 31, 2010, and has not been
26 renewed.

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1 COST RECOVERY

2 8. Code section 125.3 provides, in pertinent part, that a Board may request the
3 administrative law judge to direct a licentiate 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 **CONSUMER COMPLAINT (TUTTLE)**

7 9. On or about August 12, 2009, a representative from 21st Century Insurance Company
8 inspected a 2004 GMC Denali, owned by David Allen Tuttle ("consumer"), following a collision.
9 The consumer drove the vehicle to Respondent's facility for collision repairs. The consumer
10 understood that his vehicle would be repaired pursuant to the estimate and/or any supplemental
11 estimates prepared by 21st Century Insurance Company. The repairs to the vehicle were
12 completed in or about December 2009. The consumer was not satisfied with the repairs
13 Respondent performed on his vehicle. The problems with the vehicle included a poorly fitting
14 left front door and paint that was cracking on the front bumper, which were not resolved by
15 Respondent.

16 10. On or about September 1, 2010, the consumer filed a complaint with the Bureau and
17 on or about October 20, 2010, a Bureau representative drove to Respondent's facility; however,
18 the business was closed. The Bureau then drove to the consumer's residence and inspected the
19 vehicle using the Supplemental of Record 5 with Summary dated February 12, 2010, as a
20 reference. That inspection revealed the following repairs, including labor that had not been
21 performed correctly or had not been performed at all:

22 a. The Bureau was able to verify that the left front door did not fit correctly and that the
23 paint on the front bumper was cracking.

24 b. Respondent failed to overhaul the front bumper.

25 c. Respondent failed to replace the left front upper and lower door hinges.

26 d. Respondent failed to replace the left rear view mirror.

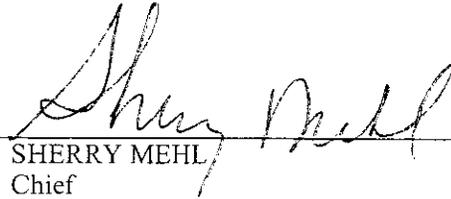
27 e. Respondent failed to weld the left front door hinges.

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1 3. Ordering Lori Ann Lagow to pay the Bureau of Automotive Repair the reasonable
2 costs of the investigation and enforcement of this case, pursuant to Business and Professions
3 Code section 125.3; and,

4 4. Taking such other and further action as deemed necessary and proper.
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8 DATED: 12/9/11



SHERRY MEHL
Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant

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