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8 **BEFORE THE**  
9 **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. 77111-42

13 **CUSTOM AUTOTECH PERFORMANCE MUFFLER**  
14 **464 N. Rogers**  
**Clovis, CA 93612**  
15 **JAMES MATHEW LIEDER, OWNER**  
**Automotive Repair Dealer Registration No. ARD**  
**181690**

**ACCUSATION**

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 181690 ("registration") to James Mathew Lieder ("Respondent").  
25 doing business as Custom Autotech Performance Muffler. The registration expired on December  
26 31, 2010, and has not been renewed.

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1           5.     Code section 9884.9 states, in pertinent part:

2                   (a) The automotive repair dealer shall give to the customer a written  
3                   estimated price for labor and parts necessary for a specific job. No work shall be  
4                   done and no charges shall aceruc before authorization to proceed is obtained from the  
5                   customer. No charge shall be made for work done or parts supplied in excess of the  
6                   estimated price without the oral or written consent of the customer that shall be  
7                   obtained at some time after it is determined that the estimated price is insufficient and  
8                   before the work not estimated is done or the parts not estimated are supplied. Written  
9                   consent or authorization for an increase in the original estimated price may be  
10                  provided by electronic mail or facsimile transmission from the customer. The bureau  
11                  may specify in regulation the procedures to be followed by an automotive repair  
12                  dealer when an authorization or consent for an increase in the original estimated price  
13                  is provided by electronic mail or facsimile transmission. If that consent is oral, the  
14                  dealer shall make a notation on the work order of the date, time, name of person  
15                  authorizing the additional repairs and telephone number called, if any, together with a  
16                  specification of the additional parts and labor and the total additional cost . . .

17                  (c) In addition to subdivisions (a) and (b), an automotive repair dealer,  
18                  when doing auto body or collision repairs, shall provide an itemized written estimate  
19                  for all parts and labor to the customer. The estimate shall describe labor and parts  
20                  separately and shall identify each part, indicating whether the replacement part is  
21                  new, used, rebuilt, or reconditioned. Each crash part shall be identified on the written  
22                  estimate and the written estimate shall indicate whether the crash part is an original  
23                  equipment manufacturer crash part or a nonoriginal equipment manufacturer  
24                  aftermarket crash part.

25           6.     Code section 9884.11, states:

26                   Each automotive repair dealer shall maintain any records that are required  
27                   by regulations adopted to carry out this chapter. Those records shall be open for  
28                   reasonable inspection by the chief or other law enforcement officials. All of those  
29                   records shall be maintained for at least three years.

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

34           8.     Code section 477 provides, in pertinent part, that "Board" includes "bureau,"  
35           "commission," "committee," "department," "division," "examining committee," "program," and  
36           "agency." "License" includes certificate, registration or other means to engage in a business or  
37           profession regulated by the Code.

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1 **COST RECOVERY**

2 9. Section 125.3 of the Code 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 NO. 1 (GONSALVES)**

7 10. On or about December 8, 2009, Michael Gonsalves ("consumer") drove his 1924  
8 Model T sedan to Respondent's facility. The consumer wanted Respondent to perform various  
9 repairs and modifications to the vehicle. The repairs/modifications were to be completed by  
10 April 1, 2010. Respondent told the consumer the cost of repairs would be \$35,000 and allowed  
11 the consumer to make payments in the amount of \$5,000 each, to be paid in full before the  
12 vehicle was completed. The consumer paid Respondent \$30,000. Respondent disassembled the  
13 vehicle; however, no further work was performed. The consumer attempted to retrieve his  
14 vehicle and get a refund; however, Respondent could not be located at the shop and would not  
15 return telephone calls. On or about July 19, 2010, the consumer filed a complaint with the  
16 Bureau.

17 11. The Bureau made numerous attempts, by telephone, email, and regular visits to  
18 Respondent's facility; however, Respondent failed to cooperate with the Bureau regarding this  
19 complaint.

20 **FIRST CAUSE FOR DISCIPLINE**

21 **(Untrue or Misleading Statements)**

22 12. Respondent has subjected his registration to discipline pursuant to Code section  
23 9884.7, subdivision (a)(1), in that on or about December 8, 2009, Respondent made statements  
24 which he knew or which by exercise of reasonable care he should have known were untrue or  
25 misleading, by representing to the consumer that he would perform the repairs to the vehicle and  
26 that the vehicle would be completed by April 1, 2010. As of August, 2010, the consumer still did  
27 not have possession of his vehicle.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Fraud)**

3 13. Respondent has subjected his registration to discipline under Code section 9884.7,  
4 subdivision (a)(4), in that between December 2009 and April 2010, Respondent accepted  
5 payment of \$30,000; however, as of August 2010, the consumer's vehicle had not been returned  
6 to the consumer because Respondent refused to do so.

7 **THIRD CAUSE FOR DISCIPLINE**

8 **(Failure to Comply with Code)**

9 14. Respondent has subjected his registration to discipline pursuant to Code section  
10 9884.7, subdivision (a)(6), in that on or about December 8, 2009, Respondent failed to comply  
11 with the following sections of that code:

12 a. **Section 9884.9, subdivision (a):** Respondent failed to provide the consumer with a  
13 written estimated price for the tear down, inspection, and reassembly of the consumer's vehicle.

14 b. **Section 9884.9, subdivision (c):** Respondent failed to provide the consumer with an  
15 estimate for parts and labor documenting parts as new, used, rebuilt, reconditioned, OEM or non-  
16 OEM aftermarket crash parts.

17 c. **Section 9884.11:** Respondent failed to provide the Bureau with invoices, estimates,  
18 and/or parts receipts regarding the repair of the consumer's vehicle.

19 **FOURTH CAUSE FOR DISCIPLINE**

20 **(Failure to Comply with Regulations)**

21 15. Respondent has subjected his registration to discipline pursuant to Code section  
22 9884.7, subdivision (a)(6), in that Respondent failed to comply with California Code of  
23 Regulations, title 16, section 3356, subdivision (a)(1), by failing to show his business name on his  
24 invoice as is reflected in the Bureau's records; instead, Respondent used the name "Central  
25 Valley Street Rods".

26 **CONSUMER COMPLAINT NO. 2 (GRISSOM)**

27 16. In or about March, 2010, Travis Grissom ("consumer") paid Respondent  
28 approximately \$70,000 to install an engine and make other modifications to his 1972 Buick

1 Riviera. Respondent told the consumer the vehicle would be done in four weeks; however, as of  
2 August 2010, Respondent still had possession of the vehicle. On or about August 17, 2010, the  
3 consumer filed a complaint with the Bureau.

4 17. The Bureau made numerous attempts, by telephone, email, and regular visits to  
5 Respondent's facility; however, Respondent failed to cooperate with the Bureau regarding this  
6 complaint.

7 **FIFTH CAUSE FOR DISCIPLINE**

8 **(Failure to Record Odometer Reading on Work Order)**

9 18. Respondent has subjected his registration to discipline pursuant to Code section  
10 9884.7, subdivision (a)(2), in that Respondent failed to record the vehicle's current odometer  
11 reading on the work order.

12 **SIXTH CAUSE FOR DISCIPLINE**

13 **(Failure to Comply with Code)**

14 19. Respondent has subjected his registration to discipline pursuant to Code section  
15 9884.7, subdivision (a)(6), in that in or about March 2010, Respondent failed to comply with the  
16 following sections of that code:

17 a. **Section 9884.9, subdivision (a):**

18 i. Respondent failed to provide the consumer with a written estimated price for  
19 parts and labor for a specific job.

20 ii. Respondent failed to obtain the consumer's consent to change the method of  
21 repair regarding the windshield washer motor.

22 b. **Section 9884.11:** Respondent failed to provide the Bureau with invoices, estimates,  
23 and/or parts receipts regarding the repair of the consumer's vehicle.

24 **SEVENTH CAUSE FOR DISCIPLINE**

25 **(Failure to Comply with Regulations)**

26 20. Respondent has subjected his registration to discipline pursuant to Code section  
27 9884.7, subdivision (a)(6), in that Respondent failed to comply with California Code of  
28 Regulations, title 16, section 3356, subdivision (a)(1), by failing to show his business name on his

1 invoice as is reflected in the Bureau's records; instead, Respondent used the name "Central  
2 Valley Street Rods".

3 **CONSUMER COMPLAINT NO. 3 (MELTON)**

4 21. On or about December 17, 2010, Tom Melton ("consumer") spoke with Respondent  
5 and Respondent agreed to perform body modifications to the consumer's 1930 Model A. On or  
6 about December 21, 2010, the consumer towed his vehicle to Respondent's shop and paid  
7 Respondent \$8,500 toward the repairs. After several weeks, the consumer told Respondent not to  
8 perform any further work on the vehicle and that he wanted to pick up the vehicle. Respondent  
9 would not release the consumer's vehicle. On or about April 21, 2011, the consumer filed a  
10 complaint with the Bureau.

11 22. The Bureau made numerous attempts, by telephone, email, and regular visits to  
12 Respondent's facility; however, Respondent failed to cooperate with the Bureau regarding this  
13 complaint.

14 **EIGHTH CAUSE FOR DISCIPLINE**

15 **(Untrue or Misleading Statements)**

16 23. Respondent has subjected his registration to discipline pursuant to Code section  
17 9884.7, subdivision (a)(1), in that on or about December 21, 2010, Respondent made statements  
18 which he knew or which by exercise of reasonable care he should have known were untrue or  
19 misleading, by representing to the consumer that the repairs to the vehicle would be completed  
20 within four weeks; however, as of April 21, 2011, the consumer still did not have possession of  
21 his vehicle.

22 **NINTH CAUSE FOR DISCIPLINE**

23 **(Fraud)**

24 24. Respondent has subjected his registration to discipline under Code section 9884.7,  
25 subdivision (a)(4), in that between December 21, 2010, and April 21, 2011, Respondent accepted  
26 payment of \$8,500 to modify the vehicle; however, as of April 21, 2011, Respondent continued  
27 refusing and is still refusing to return the consumer's vehicle to the consumer.

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1 TENTH CAUSE FOR DISCIPLINE

2 (Failure to Comply with Code)

3 25. Respondent has subjected his registration to discipline pursuant to Code section  
4 9884.7, subdivision (a)(6), in that on or about December 21, 2010, Respondent failed to comply  
5 with the following sections of that code:

6 a. **Section 9884.9, subdivision (a):** Respondent failed to provide the consumer with a  
7 written estimated price for parts and labor for a specific job.

8 b. **Section 9884.11:** Respondent failed to provide the Bureau with invoices, estimates,  
9 and/or parts receipts regarding the repair of the consumer's vehicle.

10 OTHER MATTERS

11 26. Under Code section 9884.7, subdivision (c), the director may invalidate temporarily  
12 or permanently or refuse to validate, the registrations for all places of business operated in this  
13 state by James Mathew Lieder, upon a finding that he has, or is, engaged in a course of repeated  
14 and willful violations of the laws and regulations pertaining to an automotive repair dealer.

15 PRAYER

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

18 1. Revoking, suspending, or placing on probation Automotive Repair Dealer  
19 Registration Number ARD 181690, issued to James Mathew Lieder doing business as Custom  
20 Autotech Performance Muffler;

21 2. Revoking, suspending, or placing on probation any other automotive repair dealer  
22 registration issued to James Mathew Lieder;

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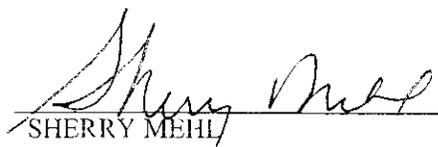
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1           3.    Ordering James Mathew Lieder to pay the Bureau of Automotive Repair the  
2 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
3 Professions Code section 125.3; and,

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

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DATED: 1/10/12

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

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