

1 KAMALA D. HARRIS
Attorney General of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 JAMES M. LEDAKIS
Supervising Deputy Attorney General
4 State Bar No. 132645
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2105
7 Facsimile: (619) 645-2061
Attorneys for Complainant

8
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. 97/13-6

13 **ACCORD AUTO RECYCLER**
14 **MOHAMMAD PANAHIPOUR, OWNER**
15 **3151 Kansas Avenue**
Riverside, CA 92507-3477

A C C U S A T I O N

16 **Automotive Repair Dealer Reg. No. ARD 193563**
17 **Lamp Station License No. LS 193563**
Brake Station License No. BS 193563

18 **and**

19 **ENRIQUE SOLORIO**
20 **3151 Kansas Avenue**
Riverside, CA 92507-3477

21 **Brake Adjuster License No. BA 632074**
22 **Lamp Adjuster License No. LA 632074**

23 Respondent.

24 Complainant alleges:

25 **PARTIES/LICENSE INFORMATION**

26 1. John Wallauch ("Complainant") brings this Accusation solely in his official capacity
27 as the Chief of the Bureau of Automotive Repair ("Bureau"), Department of Consumer Affairs.

28 ///

1 **Accord Auto Recycler; Mohammad Panahipour, Owner**

2 2. In or about 1997, the Director of Consumer Affairs ("Director") issued Automotive
3 Repair Dealer Registration Number ARD 193563 ("registration") to Mohammad Panahipour
4 ("Respondent Panahipour"), owner of Accord Auto Recycler. Respondent's registration was in
5 full force and effect at all times relevant to the charges brought herein and will expire on March
6 31, 2013, unless renewed.

7 3. On or about October 13, 2005, the Director issued Lamp Station License Number LS
8 193563 to Respondent Panahipour. Respondent's lamp station license was in full force and effect
9 at all times relevant to the charges brought herein and will expire on March 31, 2013, unless
10 renewed.

11 4. On or about October 14, 2005, the Director issued Brake Station License Number BS
12 193563 to Respondent Panahipour. Respondent's brake station license was in full force and effect
13 at all times relevant to the charges brought herein and will expire on March 31, 2013, unless
14 renewed.

15 **Enrique Solorio**

16 5. On or about May 17, 2010, the Director issued Brake Adjuster License Number BA
17 632074 to Enrique Solorio ("Respondent Solorio" or "Solorio"). Respondent's brake adjuster
18 license was in full force and effect at all times relevant to the charges brought herein and will
19 expire on July 31, 2013, unless renewed.

20 6. On or about May 7, 2010, the Director issued Lamp Adjuster License Number LA
21 632074 to Respondent Solorio. Respondent's lamp adjuster license was in full force and effect at
22 all times relevant to the charges brought herein and will expire on July 31, 2014, unless renewed.

23 **JURISDICTION**

24 7. Business and Professions Code ("Code") section 9884.7 provides that the Director
25 may revoke an automotive repair dealer registration.

26 8. Code section 9884.13 provides, in pertinent part, that the expiration of a valid
27 registration shall not deprive the Director of jurisdiction to proceed with a disciplinary proceeding

28 ///

1 against an automotive repair dealer or to render a decision temporarily or permanently
2 invalidating (suspending or revoking) a registration.

3 9. Code section 9889.1 provides, in pertinent part, that the Director may suspend or
4 revoke any license issued under Articles 5 and 6 (commencing with section 9887.1) of the
5 Automotive Repair Act.

6 10. Code section 9889.7 provides, in pertinent part, that the expiration or suspension of a
7 license by operation of law or by order or decision of the Director or a court of law, or the
8 voluntary surrender of a license shall not deprive the Director of jurisdiction to proceed with any
9 disciplinary proceedings.

10 STATUTORY PROVISIONS

11 11. Code section 9884.7 states, in pertinent part:

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

18 (1) Making or authorizing in any manner or by any means whatever any
19 statement written or oral which is untrue or misleading, and which is known, or which
20 by the exercise of reasonable care should be known, to be untrue or misleading.

21 (2) Causing or allowing a customer to sign any work order which does
22 not state the repairs requested by the customer or the automobile's odometer reading
23 at the time of repair.

24 (3) Failing or refusing to give to a customer a copy of any document
25 requiring his or her signature, as soon as the customer signs the document.

26 (4) Any other conduct that constitutes fraud.

27

28 (6) Failure in any material respect to comply with the provisions of this
chapter or regulations adopted pursuant to it.

. . . .

(c) Notwithstanding subdivision (b), the director may suspend, revoke or
place on probation the registration for all places of business operated in this state by
an automotive repair dealer upon a finding that the automotive repair dealer has, or is,
engaged in a course of repeated and willful violations of this chapter, or regulations
adopted pursuant to it.

1 12. Code section 9884.8 states, in pertinent part, that "[a]ll work done by an automotive
2 repair dealer, including all warranty work, shall be recorded on an invoice and shall describe all
3 service work done and parts supplied . . ."

4 13. Code section 9884.9, subdivision (a), states, in pertinent part, that "[t]he automotive
5 repair dealer shall give to the customer a written estimated price for labor and parts necessary for
6 a specific job. No work shall be done and no charges shall accrue before authorization to proceed
7 is obtained from the customer . . ."

8 14. Code section 9889.3 states, in pertinent part:

9 The director may suspend, revoke, or take other disciplinary action
10 against a license as provided in this article [Article 7 (commencing with section
11 9889.1) of the Automotive Repair Act] if the licensee or any partner, officer, or
12 director thereof:

13 (a) Violates any section of the Business and Professions Code which
14 relates to his or her licensed activities.

15

16 (c) Violates any of the regulations promulgated by the director pursuant
17 to this chapter.

18 (d) Commits any act involving dishonesty, fraud, or deceit whereby
19 another is injured . . .

20 15. Code section 9889.9 states that "[w]hen any license has been revoked or suspended
21 following a hearing under the provisions of this article [Article 7 (commencing with section
22 9889.1) of the Automotive Repair Act], any additional license issued under Articles 5 and
23 6 of this chapter in the name of the licensee may be likewise revoked or suspended by the
24 director."

25 16. Code section 22, subdivision (a), states:

26 "Board" as used in any provision of this Code, refers to the board in
27 which the administration of the provision is vested, and unless otherwise expressly
28 provided, shall include "bureau," "commission," "committee," "department,"
"division," "examining committee," "program," and "agency."

 17. Code section 477, subdivision (b), states, in pertinent part, that a "license" includes
"registration" and "certificate."

///

1 COST RECOVERY

2 18. 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 UNDERCOVER OPERATION #1: 1999 HONDA ACCORD

7 19. On September 28, 2011, an undercover operator of the Bureau ("operator") took the
8 Bureau's 1999 Honda Accord to Respondent Panahipour's facility and requested brake and lamp
9 inspections on the vehicle. The front brake rotors on the Bureau-documented vehicle were
10 machined below the manufacturer's minimum thickness specifications, the driver side (left front)
11 headlamp was out of adjustment, and the rear license plate lamp bulb was defective. The facility
12 had the operator sign a blank work order and gave her a verbal estimate of \$60 for the
13 inspections. The operator was not given a copy of the work order or a written estimate. During
14 the inspection, the operator was informed that two light bulbs on the vehicle needed replacement,
15 the bulb for the rear license plate and the bulb for the front running light, at a cost of \$20. The
16 operator authorized the repairs. After the inspections were completed, the operator paid the
17 facility \$80 and received copies of an invoice, Certificate of Brake Adjustment ("Brake
18 Certificate") No. BC1346657, and Certificate of Lamp Adjustment ("Lamp Certificate") No.
19 LC1325857. The certificates indicated that the brake and lamp inspections were performed by
20 Respondent Solorio.

21 20. On October 4, 2011, the Bureau inspected the vehicle and found that the rear license
22 plate lamp bulb had been replaced; however, the driver side headlamp was still out of adjustment,
23 the front brake rotors were not within manufacturer's specifications, and the right front and right
24 rear wheels had not been removed to inspect the right front rotor.

25 ///

26 ///

27 ///

28 ///

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Untrue or Misleading Statements)**

3 21. Respondent Panahipour's registration is subject to disciplinary action pursuant to
4 Code section 9884.7, subdivision (a)(1), Respondent made or authorized statements which he
5 knew or in the exercise of reasonable care should have known to be untrue or misleading, as
6 follows:

7 a. Respondent Panahipour's technician, Respondent Solorio, certified under penalty of
8 perjury on Brake Certificate No. BC1346657 that the applicable inspection was performed on the
9 brake system on the Bureau's 1999 Honda Accord. In fact, Solorio failed to perform a complete
10 inspection on the vehicle in that he failed to remove the right front and right rear wheels to
11 inspect the right front brake rotor and right rear drum.

12 b. Respondent Panahipour's technician, Respondent Solorio, certified under penalty of
13 perjury on Brake Certificate No. BC1346657 that the applicable repairs were performed on the
14 brake system on the Bureau's 1999 Honda Accord. In fact, the front brake rotors were machined
15 below the manufacturer's minimum thickness specifications and should have been replaced on
16 the vehicle.

17 c. Respondent Panahipour's technician, Respondent Solorio, certified under penalty of
18 perjury on Lamp Certificate No. LC1325857 that the applicable adjustment had been performed
19 on the lighting system on the Bureau's 1999 Honda Accord. In fact, the driver side headlamp was
20 out of adjustment.

21 **SECOND CAUSE FOR DISCIPLINE**

22 **(Failure to Record Repairs Requested by Customer)**

23 22. Respondent Panahipour's registration is subject to disciplinary action pursuant to
24 Code section 9884.7, subdivision (a)(2), in that Respondent's employee caused or allowed the
25 operator to sign a blank work order which did not state the repairs requested by the operator; i.e.,
26 the lamp and brake inspections on the Bureau's 1999 Honda Accord.

27 ///

28 ///

1 Bureau's 1999 Honda Accord in accordance with the specifications, instructions, and directives
2 issued by the Bureau and the vehicle manufacturer.

3 b. **Section 3316, subdivision (d)(2)**: Respondent issued Lamp Certificate No.
4 LC1325857 as to the Bureau's 1999 Honda Accord when all of the lamps, lighting equipment,
5 and/or related electrical systems on the vehicle were not in compliance with Bureau regulations.

6 c. **Section 3321, subdivision (c)(2)**: Respondent issued Brake Certificate No.
7 BC1346657 as to the Bureau's 1999 Honda Accord when the brake system on the vehicle had not
8 been completely tested or inspected.

9 **SEVENTH CAUSE FOR DISCIPLINE**

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

11 27. Respondent Panahipour's brake and lamp station licenses are subject to disciplinary
12 action pursuant to Code section 9889.3, subdivision (c), in that Respondent failed to comply with
13 the provisions of California Code of Regulations, title 16, sections 3305, subdivision (a), 3316,
14 subdivision (d)(2), and 3321, subdivision (c)(2), as set forth in paragraph 26 above.

15 **EIGHTH CAUSE FOR DISCIPLINE**

16 **(Dishonesty, Fraud, or Deceit)**

17 28. Respondent Panahipour's brake and lamp station licenses are subject to disciplinary
18 action pursuant to Code section 9889.3, subdivision (d), in that Respondent committed acts
19 involving dishonesty, fraud, or deceit whereby another was injured, as set forth in paragraphs 21
20 and 24 above.

21 **NINTH CAUSE FOR DISCIPLINE**

22 **(Violations of Regulations)**

23 29. Respondent Solorio's brake and lamp adjuster licenses are subject to disciplinary
24 action pursuant to Code section 9889.3, subdivision (c), in that Respondent failed to comply with
25 the provisions of California Code of Regulations, title 16, sections 3305, subdivision (a), 3316,
26 subdivision (d)(2), and 3321, subdivision (c)(2), as set forth in paragraph 26 above.

27 ///

28 ///

1 **TENTH CAUSE FOR DISCIPLINE**

2 **(Dishonesty, Fraud, or Deceit)**

3 30. Respondent Solorio's brake and lamp adjuster licenses are subject to disciplinary
4 action pursuant to Code section 9889.3, subdivision (d), in that Respondent committed acts
5 involving dishonesty, fraud, or deceit whereby another was injured, as set forth in paragraph 21
6 above.

7 **UNDERCOVER OPERATION #2: 2002 HONDA ACCORD**

8 31. On December 29, 2011, an undercover operator of the Bureau ("operator") took the
9 Bureau's 2002 Honda Accord to Respondent Panahipour's facility and requested brake and lamp
10 inspections on the vehicle. The left front and rear brake rotors on the Bureau-documented vehicle
11 were machined substantially below the manufacturer's maximum refinish specifications, the left
12 front headlamp was out of adjustment, and the bulbs in the two left taillights were defective. The
13 facility had the operator sign a blank work order and gave him a verbal estimate of \$60 for the
14 inspections. The operator was not given a copy of the work order or a written estimate. After the
15 inspections were completed, the operator paid the facility \$60 and received copies of Certificate
16 of Brake Adjustment ("Brake Certificate") No. BC1387578 and Certificate of Lamp Adjustment
17 ("Lamp Certificate") No. LC1366326. The certificates indicated that Respondent Solorio
18 performed the brake and lamp inspections on the vehicle. The operator was not given a final
19 invoice.

20 32. On December 29, 2011, and January 3, 2012, the Bureau inspected the vehicle and
21 found that the left headlamp had been adjusted as specified by the Bureau; however, only one of
22 the two bulbs in the left taillights had been replaced (the left inner taillight) and the bulb was
23 replaced with a used, worn bulb. The Bureau also found that the left front and rear brake rotors
24 were not within manufacturer's specifications and none of the wheels had been removed from the
25 vehicle.

26 ///

27 ///

28 ///

1 **ELEVENTH CAUSE FOR DISCIPLINE**

2 **(Untrue or Misleading Statements)**

3 33. Respondent Panahipour's registration is subject to disciplinary action pursuant to
4 Code section 9884.7, subdivision (a)(1), Respondent made or authorized statements which he
5 knew or in the exercise of reasonable care should have known to be untrue or misleading, as
6 follows:

7 a. Respondent Panahipour's technician, Respondent Solorio, certified under penalty of
8 perjury on Brake Certificate No. BC1387578 that the applicable inspection was performed on the
9 brake system on the Bureau's 2002 Honda Accord. In fact, Solorio failed to remove any of the
10 wheels on the vehicle to inspect the brake system.

11 b. Respondent Panahipour's technician, Respondent Solorio, certified under penalty of
12 perjury on Brake Certificate No. BC1387578 that the rotors on the Bureau's 2002 Honda Accord
13 were in a satisfactory condition. In fact, the left front and rear brake rotors were machined
14 substantially below the manufacturer's maximum refinish specifications.

15 c. Respondent Panahipour's technician, Respondent Solorio, certified under penalty of
16 perjury on Lamp Certificate No. LC1366326 that the applicable repairs had been performed on
17 the lighting system on the Bureau's 2002 Honda Accord. In fact, the defective left-outer taillight
18 bulb was still in place on the vehicle. Further, Solorio replaced the left-inner taillight bulb with a
19 used, worn bulb.

20 **TWELFTH CAUSE FOR DISCIPLINE**

21 **(Failure to Record Repairs Requested by Customer)**

22 34. Respondent Panahipour's registration is subject to disciplinary action pursuant to
23 Code section 9884.7, subdivision (a)(2), in that Respondent's employee caused or allowed the
24 operator to sign a blank work order which did not state the repairs requested by the operator; i.e.,
25 the lamp and brake inspections on the Bureau's 2002 Honda Accord.

26 ///

27 ///

28 ///

1 **NINETEENTH CAUSE FOR DISCIPLINE**

2 **(Violations of Regulations)**

3 41. Respondent Solorio's brake and lamp adjuster licenses are subject to disciplinary
4 action pursuant to Code section 9889.3, subdivision (c), in that Respondent failed to comply with
5 the provisions of California Code of Regulations, title 16, sections 3305, subdivision (a), 3316,
6 subdivision (d)(2), and 3321, subdivision (c)(2), as set forth in paragraph 38 above.

7 **TWENTIETH CAUSE FOR DISCIPLINE**

8 **(Dishonesty, Fraud, or Deceit)**

9 42. Respondent Solorio's brake and lamp adjuster licenses are subject to disciplinary
10 action pursuant to Code section 9889.3, subdivision (d), in that Respondent committed acts
11 involving dishonesty, fraud, or deceit whereby another was injured, as set forth in paragraph 33
12 above.

13 **OTHER MATTERS**

14 43. Pursuant to Code section 9884.7, subdivision (c), the Director may suspend, revoke or
15 place on probation the registration for all places of business operated in this state by Respondent
16 Mohammad Panahipour, owner of Accord Auto Recycler, upon a finding that Respondent has, or
17 is, engaged in a course of repeated and willful violations of the laws and regulations pertaining to
18 an automotive repair dealer.

19 44. Pursuant to Code section 9889.9, if Lamp Station License Number LS 193563, issued
20 to Respondent Mohammad Panahipour, owner of Accord Auto Recycler, is revoked or
21 suspended, any additional license issued under Articles 5 and 6 of Chapter 20.3 of the Code in the
22 name of said licensee may be likewise revoked or suspended by the Director.

23 45. Pursuant to Code section 9889.9, if Brake Station License Number BS 193563, issued
24 to Respondent Mohanmad Panahipour, owner of Accord Auto Recycler, is revoked or
25 suspended, any additional license issued under Articles 5 and 6 of Chapter 20.3 of the Code in the
26 name of said licensee may be likewise revoked or suspended by the Director.

27 46. Pursuant to Code section 9889.9, if Brake Adjuster License Number BA 632074,
28 issued to Respondent Enrique Solorio, is revoked or suspended, any additional license issued

1 under Articles 5 and 6 of Chapter 20.3 of the Code in the name of said licensee may be likewise
2 revoked or suspended by the Director.

3 47. Pursuant to Code section 9889.9, if Lamp Adjuster License Number LA 632074,
4 issued to Respondent Enrique Solorio, is revoked or suspended, any additional license issued
5 under Articles 5 and 6 of Chapter 20.3 of the Code in the name of said licensee may be likewise
6 revoked or suspended by the Director.

7 **PRAYER**

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

10 1. Revoking or suspending Automotive Repair Dealer Registration Number ARD
11 193563, issued to Mohammad Panahipour, owner of Accord Auto Recycler;

12 2. Revoking or suspending any other automotive repair dealer registration issued to
13 Mohammad Panahipour;

14 3. Revoking or suspending Lamp Station License Number LS 193563, issued to
15 Mohammad Panahipour, owner of Accord Auto Recycler;

16 4. Revoking or suspending Brake Station License Number BS 193563, issued to
17 Mohammad Panahipour, owner of Accord Auto Recycler;

18 5. Revoking or suspending any additional license issued under Articles 5 and 6 of
19 Chapter 20.3 of the Business and Professions Code in the name of Mohammad Panahipour;

20 6. Revoking or suspending Brake Adjuster License Number BA 632074, issued to
21 Enrique Solorio;

22 7. Revoking or suspending Lamp Adjuster License Number LA 632074, issued to
23 Enrique Solorio;

24 8. Revoking or suspending any additional license issued under Articles 5 and 6 of
25 Chapter 20.3 of the Business and Professions Code in the name of Enrique Solorio;

26 9. Ordering Mohammad Panahipour, owner of Accord Auto Recycler, and Enrique
27 Solorio to pay the Director of Consumer Affairs the reasonable costs of the investigation and
28 enforcement of this case, pursuant to Business and Professions Code section 125.3;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

DATED: 9-14-12

John Wallauch by [Signature]
JOHN WALLAUCH
Chief
Bureau of Automotive Repair
Department of Consumer Affairs
State of California
Complainant

SD2012703227