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

In the Matter of the Accusation Against:  
**E & J AUTO BODY**  
**JUAN MANUEL JARAS, Owner**  
**201 San Juan Road**  
**Watsonville, CA 95076**  
**Automotive Repair Dealer Registration No.**  
**ARD 197673**  
  
Respondent.

Case No. 77/13-69

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

**FINDINGS OF FACT**

1. On or about May 24, 2013, Complainant John Wallauch, in his official capacity as the Acting Chief of the Bureau of Automotive Repair, Department of Consumer Affairs, filed Accusation Case No. 77/13-69 against E & J Auto Body, Juan Manuel Jaras, Owner (Respondent) before the Bureau. (Accusation attached as Exhibit A.)
2. On or about December 31, 1997, the Bureau issued Automotive Repair Dealer Registration No. ARD 197673 to Respondent. The Automotive Repair Dealer Registration expired on December 31, 2010, however, on May 7, 2013, the Respondent was issued a temporary registration that expired on October 4, 2013 and has not been renewed.

1           3.     On or about June 3, 2013, Respondent was served by Certified and First Class Mail  
2 copies of the Accusation No. 77/13-69, Statement to Respondent, Notice of Defense, Request for  
3 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at  
4 Respondent's address of record which, pursuant to Business and Professions Code section 136, is  
5 required to be reported and maintained with the Bureau. Respondent's address of record was and  
6 is:

7     201 San Juan Road  
8     Watsonville, CA 95076.

9           4.     Service of the Accusation was effective as a matter of law under the provisions of  
10 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
11 124.

12           5.     On or about July 19, 2013, the aforementioned documents were returned by the U.S.  
13 Postal Service marked "Unclaimed."

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

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

20           7.     Respondent failed to file a Notice of Defense within 15 days after service upon him  
21 of the Accusation, and therefore waived his right to a hearing on the merits of Accusation No.  
22 77/13-69.

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

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

28           9.     Pursuant to its authority under Government Code section 11520, the Director after  
having reviewed the proof of service dated June 3, 2013, signed by Sandra L. Adams, finds  
Respondent is in default. The Director will take action without further hearing and, based on

1 Accusation, Case No. 77/13-69, the proof of service and the Affidavit of Bureau Representative  
2 Jesus Gonzalez, finds that the allegations in Accusation No. 77/13-69 are true.

3 **DETERMINATION OF ISSUES**

4 1. Based on the foregoing findings of fact, Respondent E & J Auto Body, Juan Manuel  
5 Jaras, Owner has subjected his Automotive Repair Dealer Registration No. ARD 197673 to  
6 discipline.

7 2. The agency has jurisdiction to adjudicate this case by default.

8 3. The Bureau is authorized to revoke Respondent's Automotive Repair Dealer  
9 Registration based upon the following violations alleged in the Accusation which are supported  
10 by the evidence contained in the affidavit of Bureau Representative Roger Lehman in this case:

- 11 a. Business and Professions Code 9884.7(a)(6): Failure to Comply with Code;
- 12 b. Business and Professions Code 9884.7(a)(6): Invalid Registration;
- 13 c. Business and Professions Code 9884.7(a)(1): Misleading Statements;
- 14 d. Business and Professions Code 9884.7(a)(4): Fraud;
- 15 e. Business and Professions Code 9884.7(a)(6): Failure to Comply with Code
- 16 f. Business and Professions Code 9884.7(a)(6): Invalid Registration;

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**ORDER**

**IT IS SO ORDERED that** Automotive Repair Dealer Registration No. ARD 197673, heretofore issued to Respondent E& J Auto Body, Juan Manuel Jaras, Owner is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The motion should be sent to the Bureau of Automotive Repair, ATTN: William D. Thomas, Bureau of Automotive Repair, 10949 North Mather Blvd., Rancho Cordova, CA 95670. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on April 29, 2014.

It is so ORDERED APR 07 2014

  
\_\_\_\_\_  
DONALD CHANG  
Assistant Chief Counsel  
Department of Consumer Affairs

Attachment:  
Exhibit A: Accusation

# Exhibit A

Accusation

1 KAMALA D. HARRIS  
Attorney General of California  
2 JOSHUA A. ROOM  
Supervising Deputy Attorney General  
3 MARETTA WARD  
Deputy Attorney General  
4 State Bar No. 176470  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 703-1384  
6 Facsimile: (415) 703-5480  
*Attorneys for Complainant*

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

10 In the Matter of the Accusation Against:  
11 **E & J AUTO BODY**  
12 **JUAN MANUEL JARAS**  
13 **201 San Juan Road**  
14 **Watsonville, CA 95076**  
15 **Automotive Repair Dealer Registration No.**  
**ARD 197673**  
16 Respondent.

Case No. 77/13-69

**ACCUSATION**

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19 Complainant alleges:

20 **PARTIES**

- 21 1. John Wallauch ("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 December 31, 1997, the Bureau issued Automotive Repair Dealer  
24 Registration Number ARD 197673 ("registration") to Juan Manuel Jaras, doing business as E & J  
25 Auto Body ("Respondent"). The registration expired on December 31, 2010, and has not been  
26 renewed.

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1 her signature, as soon as the customer signs the document.

2 (4) Any other conduct which constitutes fraud.

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

5 (b) Except as provided for in subdivision (c), if an automotive repair dealer operates  
6 more than one place of business in this state, the director pursuant to subdivision (a) shall only  
7 invalidate temporarily or permanently the registration of the specific place of business which has  
8 violated any of the provisions of this chapter. This violation, or action by the director, shall not  
9 affect in any manner the right of the automotive repair dealer to operate his or her other places of  
10 business.

11 (c) Notwithstanding subdivision (b), the director may invalidate temporarily or  
12 permanently, the registration for all places of business operated in this state by an automotive  
13 repair dealer upon a finding that the automotive repair dealer has, or is, engaged in a course of  
14 repeated and willful violations of this chapter, or regulations adopted pursuant to it.

15 8. Code section 9884.8 states, in pertinent part:

16 All work done by an automotive repair dealer, including all warranty work, shall be  
17 recorded on an invoice and shall describe all service work done and parts supplied . . . One copy  
18 of the invoice shall be given to the customer and one copy shall be retained by the automotive  
19 repair dealer.

20 9. Code section 9884.9 states, in pertinent part:

21 (a) The automotive repair dealer shall give to the customer a written estimated price  
22 for labor and parts necessary for a specific job. No work shall be done and no charges shall accrue  
23 before authorization to proceed is obtained from the customer. No charge shall be made for work  
24 done or parts supplied in excess of the estimated price without the oral or written consent of the  
25 customer that shall be obtained at some time after it is determined that the estimated price is  
26 insufficient and before the work not estimated is done or the parts not estimated are supplied.  
27 Written consent or authorization for an increase in the original estimated price may be provided  
28 by electronic mail or facsimile transmission from the customer. The bureau may specify in

1 regulation the procedures to be followed by an automotive repair dealer if an authorization or  
2 consent for an increase in the original estimated price is provided by electronic mail or facsimile  
3 transmission. If that consent is oral, the dealer shall make a notation on the work order of the date,  
4 time, name of person authorizing the additional repairs and telephone number called, if any,  
5 together with a specification of the additional parts and labor and the total additional cost, and  
6 shall do either of the following:

7 (1) Make a notation on the invoice of the same facts set forth in the notation on the  
8 work order.

9 (2) Upon completion of the repairs, obtain the customer's signature or initials to an  
10 acknowledgment of notice and consent, if there is an oral consent of the customer to additional  
11 repairs, in the following language:

12 "I acknowledge notice and oral approval of an increase in the original estimated price.

13 \_\_\_\_\_  
14 (signature or initials)"

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

#### 22 COST RECOVERY

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

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UNDERCOVER OPERATION No. 1 – 2001 Chevrolet

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2       11. On October 19, 2011, an undercover operator with the Bureau (hereinafter  
3 "operator") drove a Bureau-documented 2001 Chevrolet to Respondent's facility for collision  
4 repairs. The vehicle had paint scratches on the left side of the body. The operator met with  
5 Respondent Juan Jaras, and requested an estimate to have the scratches on the Chevrolet  
6 repainted. The operator told the Respondent that the scratches were the result of vandalism and  
7 asked if he would paint the entire vehicle so the color would match properly. The Respondent  
8 inspected the paint damage closely and pointed out pre-existing paint chips, scratches, and cracks  
9 in the paint. The Respondent agreed to paint the entire vehicle at an estimated cost of \$4,500.00  
10 and the operator would only pay the \$250.00 insurance deductible. The Respondent stated that he  
11 would remove and reinstall all of the exterior moldings during the repainting of the entire vehicle.  
12 The operator agreed to the repairs and signed a blank work order. The operator again confirmed  
13 with the Respondent that he agreed to paint the entire vehicle and bill the insurance company. The  
14 Respondent said yes, and assured the operator that he would word it so the pre-existing paint  
15 chips, scratches, and additional paint damage were part of the paint vandalism, that if the  
16 insurance adjuster were to ask why the entire vehicle was painted, to say that the operator had  
17 paid the Respondent extra money for a complete paint job.

18       12. On or about October 24, 2011, the Respondent submitted a copy of E & J Auto Body  
19 estimate ID: [REDACTED] dated October 24, 2011, with a gross total of \$2,939.09, and photographs of the  
20 2001 Chevrolet Camaro to AAA Northern California, Nevada & Utah Insurance Exchange  
21 (hereinafter "AAA") as the method of repair for the Bureau's 2001 Chevrolet Camaro. The  
22 photographs show damage/scratches to the right side of the 2001 Chevrolet Camaro that was not  
23 present at the time the Respondent received the vehicle for repairs.

24       13. On or about October 25, 2011, AAA issued a check for the repairs in the amount of  
25 \$2,456.16 made payable to E & J Auto Body and operator.

26       14. On December 16, 2011, the operator returned to the Respondent's facility to pick up the  
27 Bureau's 2001 Chevrolet. The operator paid the Respondent the \$250.00 insurance deductible in  
28 cash. The Respondent gave the operator a white and a yellow E & J Auto Body Repair Orders

1 dated 10/19/2011 with a total amount of \$2,939.09 and a copy of E & J Auto Body estimate ID:

2 [REDACTED] dated 12/15/2011, with a gross total of \$2,939.09.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Failure to Comply with the Code)**

5 15. Respondent has subjected its registration to discipline under Code section 9884.7,  
6 subdivision (a)(6), in that Respondent failed to comply with provisions of the Code, in the  
7 following material respects:

- 8
- 9 a. Respondent failed to provide the operator with a written estimated price for parts and  
10 labor for a specific job regarding the repairs he performed on the operator's vehicle, in  
11 violation of Code section 9884.9.
- 12 b. Respondent failed to provide the Bureau's operator with an itemized estimate for auto  
13 body repairs for all parts and labor that indicated whether parts would be new, used,  
14 reconditioned, rebuilt, or OEM crash parts, or non-OEM aftermarket crash parts prior  
15 to performing the auto body repairs, in violation of Code section 9884.9,  
16 subdivision (c).
- 17 c. Respondent failed to provide the operator with a final invoice describing all service  
18 work performed and parts supplied regarding the collision repairs performed, in  
19 violation of Code section 9884.8.

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1 Respondent with a copy of the Estimate of Record from Coast National Insurance Company,  
2 dated 2/28/2012, Claim # [REDACTED] with the total repair cost of \$4,862.11.

3 19. On or about February 29, 2012, Coast National Insurance Company issued a check  
4 for the repairs in the amount of \$4,362.11 made payable to E & J Auto Body and the operator.

5 20. On May 22, 2012, the operator returned to the Respondent's facility to pick up the  
6 Bureau's 2002 Toyota. The operator paid the Respondent the \$500.00 insurance deductible in  
7 cash. The Respondent provided the operator with an Estimate of Record from Coast National  
8 Insurance Company dated 2/28/2012, Claim # [REDACTED]-2, with the Total Cost of Repairs of  
9 \$4,862.11.

10 21. On June 7, 2012, the Bureau re-inspected the 2002 Toyota using the Estimate of  
11 Record from Coast National Insurance Company, Claim # [REDACTED] for comparison. The  
12 Bureau's inspection revealed that Respondent accepted payment for the following repairs that  
13 were not performed:

- 14 a. Replace RT name plate
- 15 b. Replace LT nameplate
- 16 c. Remove/Install RT quarter panel glass
- 17 d. Remove/Install LT quarter panel glass
- 18 e. Urethane Kit for LT quarter panel glass
- 19 f. Urethane Kit for RT quarter panel glass
- 20 g. Urethane kit for RT fixed glass
- 21 h. Urethane kit for LT fixed glass
- 22 i. Remove/Install Antenna mast
- 23 j. Remove/Install Antenna assy bezel
- 24 k. O/I front bumper
- 25 l. Remove/Install valance panel
- 26 m. Remove/Install face bar
- 27 n. Remove/Install RT flare
- 28 o. Remove/Install LT flare

1 THIRD CAUSE FOR DISCIPLINE

2 (Untrue or Misleading Statements)

3 22. Respondent's registration is subject to discipline under Code section 9884.7(a)(1), in  
4 that Respondent made statements which he knew or which by exercise of reasonable care should  
5 have known to be untrue or misleading by falsely representing that the 2002 Toyota had been  
6 repaired pursuant to the Estimate of Record from Coast National Insurance Company dated  
7 2/28/2012, Claim # [REDACTED] when, in fact, it was not, as more particularly set forth in  
8 paragraph 21 above.

9 FOURTH CAUSE FOR DISCIPLINE

10 (Fraud)

11 23. Respondent is subject to disciplinary action pursuant to Code section 9884.7,  
12 subdivision(a)(4), in that Respondent committed acts constituting fraud, by charging for and  
13 receiving payment for repairs that were not performed, as more particularly set forth above in  
14 paragraph 20.

15 FIFTH CAUSE FOR DISCIPLINE

16 (Failure to Comply with the Code)

17 24. Respondent has subjected its registration to discipline under Code section 9884.7,  
18 subdivision (a)(6), in that Respondent failed to comply with provisions of the Code, in the  
19 Following material respects:

- 20 a. Respondent failed to provide the operator with a copy of the work order as soon as the  
21 operator signed the document, in violation of Code section 9884.7, subdivision (a)(3).  
22 b. Respondent failed to provide the operator with a written estimated price for parts and  
23 labor for a specific job regarding the repairs he performed on the operator's vehicle, in  
24 violation of Code section 9884.9.  
25 c. Respondent failed to provide the Bureau's operator with an itemized estimate for auto  
26 body repairs for all parts and labor that indicated whether parts would be new, used,  
27 reconditioned, rebuilt, or OEM crash parts, or non-OEM aftermarket crash parts prior  
28 to performing the auto body repairs, in violation of Code section 9884.9.

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subdivision (c).

d. Respondent failed to provide the operator with a final invoice describing all service work performed and parts supplied regarding the collision repairs performed, in violation of Code section 9884.8.

**SIXTH CAUSE FOR DISCIPLINE**

**(Invalid Registration)**

25. Respondent is subject to disciplinary action pursuant to Code section 9884.7, subdivision (a)(6), in that Respondent failed to comply with Code section 9884.6, subdivision (a), in material respect, as follows: On February 22, 2012, Respondent acted in the capacity of an automotive repair dealer while his registration was expired and invalid.

**OTHER MATTERS**

26. Pursuant to Code section 9884.7, subdivision (c), the Director may refuse to validate, or may invalidate temporarily or permanently, the registrations for all places of business operated in this state by Juan Manuel Jaras, doing business as E & J Auto Body, upon a finding that it has, or is, engaged in a course of repeated and willful violations of the laws and regulations pertaining to an automotive repair dealer.

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PRAYER

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

1. Revoking, suspending or placing on probation Automotive Repair Dealer Registration Number ARD 197673, issued to Juan Manuel Jaras, doing business as E & J Auto Body.
2. Revoking, suspending or placing on probation any other automotive repair dealer registration issued in the name Juan Manuel Jaras.
3. Ordering Juan Manuel Jaras, doing business as E & J Auto Body, to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
4. Taking such other and further action as deemed necessary and proper.

DATED:

5/24/13

John Wallauch by   
JOHN WALLAUCH  
Chief  
Bureau of Automotive Repair  
Department of Consumer Affairs  
State of California  
Complainant  
DUG BALATT

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