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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:
13 **FRANK'S FRAME & BODY SHOP**
14 **127 Main Street**
15 **Valley Springs, CA 95252**
16 **LARRY A. ROBBINS, OWNER**
17 **Automotive Repair Dealer Registration No.**
18 **ARD 207657**
19 Respondent.

Case No. 77/11-20

ACCUSATION

20 Complainant alleges:

21 **PARTIES**

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

24 **Automotive Repair Dealer Registration**

25 2. On a date uncertain in 1999, the Bureau issued Automotive Repair Dealer
26 Registration Number ARD 207657 ("registration") to Larry A. Robbins ("Respondent"), doing
27 business as Frank's Frame & Body Shop. The registration was in full force and effect at all times
28 relevant to the charges brought herein and will expire on October 31, 2011, unless renewed.

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1 COST RECOVERY

2 6. 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 **BUSINESS COMPLIANCE INSPECTION**

7 7. On June 23, 2010, the Bureau, along with Amador County District Attorney
8 Investigators, California Department of Motor Vehicle Investigators, and a Special Agent from
9 the National Insurance Crime Bureau (“representatives”) performed a business compliance
10 inspection at Respondent’s facility located at 127 Main Street, Valley Springs, California. The
11 representatives met with Riley Robbins (“Riley”), who identified himself as Respondent’s son.

12 8. During the inspection, the representatives asked to inspect the records for a vehicle
13 that was undergoing repairs. The vehicle was a 2004 Honda Pilot, California License Plate No.
14 5JQY577, owned by Harold Gowder (“consumer”). Riley provided the representatives with
15 Estimate No. 1016139428-1-1, prepared by Mid-Century Insurance Company. The inspection
16 revealed that the vehicle was not being repaired pursuant to the estimate. Specifically, the
17 estimate provided for the left front fender to be replaced; however, that part was being repaired.
18 The representatives also found that the left front and rear door “body side moldings” had not been
19 removed as the estimate provided.

20 9. On June 24, 2010, the representatives made a visit to the consumer’s residence to
21 discuss the repairs being performed on the consumer’s vehicle by Respondent. The consumer
22 informed the representatives that he had not given Respondent permission to deviate from the
23 repairs set forth in the estimate.

24 10. On July 13, 2010, the representatives made a second visit to the consumer’s residence
25 to inspect the vehicle. Upon inspection of the vehicle, the representatives found the following
26 repairs, totaling \$77, which had not been performed:

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- 1 a. Respondent failed to remove and install the left front door molding.
2 b. Respondent failed to remove and install the left rear door molding.
3 c. Respondent failed to remove and install the fuel door.

4 **FIRST CAUSE FOR DISCIPLINE**

5 **(Misleading Statements)**

6 11. Respondent has subjected his registration to discipline pursuant to Code section
7 9884.7, subdivision (a)(1), in that in or about June/July 2010, he made statements which he knew
8 or which by exercise of reasonable care he should have known were untrue or misleading, by
9 representing to the consumer and Mid-Century Insurance Company that the consumer's vehicle
10 had been repaired consistent with Estimate No. 1016139428-1-1. In fact, Respondent failed to
11 repair the vehicle pursuant to the estimate, as more particularly set forth in paragraph 10,
12 subparagraphs a through c; above.

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Fraud)**

15 12. Respondent has subjected his registration to discipline pursuant to Code section
16 9884.7, subdivision (a)(4), in that in or about June/July 2010, he committed acts which constitute
17 fraud by accepting payment of \$2,769.23 from Mid-Century Insurance Company for the repairs;
18 however, Respondent failed to perform repairs including labor in the amount of \$77, as more
19 particularly set forth in paragraph 10, subparagraphs a through c, above.

20 **VEHICLE INSPECTION NO. 1 – 1998 CHEVROLET G-10 VAN (PASTORINO)**

21 13. On or about May 6, 2010, Richard Pastorino ("consumer") had his 1998 Chevrolet G-
22 10 Van taken to Respondent's facility for auto body repairs. On or about May 7, 2010, California
23 State Automobile Association ("CSAA") approved the estimate prepared by Respondent in the
24 amount of \$3,661.85, which included a \$250 deductible to be paid by the consumer. CSAA paid
25 Respondent \$3,411.85.

26 14. On or about August 16, 2010, the Bureau and an Amador County District Attorney
27 Investigator performed an inspection of the consumer's vehicle. That inspection revealed that the
28 following parts/services, totaling \$480.32, had not been provided or performed as invoiced:

- 1 a. Respondent failed to replace the nameplate.
- 2 b. Respondent failed to blend the right rear door.
- 3 c. Respondent failed to replace the decal stripes at the rear doors.
- 4 d. Respondent failed to repair the radiator support.
- 5 e. Respondent charged for paint material.

6 **THIRD CAUSE FOR DISCIPLINE**

7 **(Misleading Statements)**

8 15. Respondent has subjected his registration to discipline pursuant to Code section
9 9884.7, subdivision (a)(1), in that on or about May 6, 2010, he made statements which he knew or
10 which by exercise of reasonable care he should have known were untrue or misleading, by
11 representing to the consumer and CSAA that the consumer's vehicle had been repaired consistent
12 with the estimate prepared by Respondent dated May 6, 2010. In fact, Respondent failed to repair
13 the vehicle pursuant to the estimate, as more particularly set forth in paragraph 14, subparagraphs
14 a through e, above.

15 **FOURTH CAUSE FOR DISCIPLINE**

16 **(Fraud)**

17 16. Respondent has subjected his registration to discipline pursuant to Code section
18 9884.7, subdivision (a)(4), in that on or about May 8, 2010, he committed acts which constitute
19 fraud by accepting payment of \$3,411.85 from CSAA for the repairs; however, Respondent failed
20 to perform repairs, including labor, in the amount of \$480.32, as more particularly set forth in
21 paragraph 14, subparagraphs a through e, above.

22 **FIFTH CAUSE FOR DISCIPLINE**

23 **(Departure from Accepted Trade Standards)**

24 17. Respondent has subjected his registration to discipline pursuant to Code section
25 9884.7, subdivision (a)(7), in that on or about May 6, 2010, he willfully departed from or
26 disregarded accepted trade standards for good and workman like repair in a material respect when
27 he failed to restore corrosion protection at the radiator support.

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1 **VEHICLE INSPECTION NO. 2 – 2005 HONDA CIVIC LX (BAYLESS)**

2 18. On or about October 29, 2009, Christina Bayless (“consumer”) had her 2005 Honda
3 Civic LX taken to Respondent’s facility for auto body repairs. On or about November 13, 2009,
4 CSAA prepared Estimate No. 01-1DR655-3, in the amount of \$2,024.61. CSAA paid
5 Respondent \$2,024.61 for the repairs.

6 19. On or about August 17, 2010, the Bureau and an Amador County District Attorney
7 Investigator performed an inspection of the consumer’s vehicle. That inspection revealed that the
8 following parts/services, totaling \$780.64, had not been provided or performed as invoiced:

- 9 a. Respondent failed to replace the front bumper cover.
- 10 b. Respondent failed to replace the right fender.
- 11 c. Respondent failed to replace the right lamp assembly.

12 **SIXTH CAUSE FOR DISCIPLINE**

13 **(Misleading Statements)**

14 20. Respondent has subjected his registration to discipline pursuant to Code section
15 9884.7, subdivision (a)(1), in that on or about October 29, 2009, he made statements which he
16 knew or which by exercise of reasonable care he should have known were untrue or misleading,
17 by representing to the consumer and CSAA that the consumer’s vehicle had been repaired
18 consistent with the estimate prepared by CSAA, dated November 13, 2009. In fact, Respondent
19 failed to repair the vehicle pursuant to the estimate, as more particularly set forth in paragraph 19,
20 subparagraphs a through c, above.

21 **SEVENTH CAUSE FOR DISCIPLINE**

22 **(Fraud)**

23 21. Respondent has subjected his registration to discipline pursuant to Code section
24 9884.7, subdivision (a)(4), in that on or about November 14, 2009, he committed acts which
25 constitute fraud by accepting payment of \$2,024.61 from CSAA for the repairs; however,
26 Respondent failed to perform repairs including labor in the amount of \$780.64, as more
27 particularly set forth in paragraph 19, subparagraphs a through c, above.

1 **VEHICLE INSPECTION NO. 3 – 2004 HYUNDAI TIBURON (SCRIVEN)**

2 22. On or about February 11, 2010, William Scriven (“consumer”) had his 2004 Hyundai
3 Tiburon taken to Respondent’s facility for auto body repairs. On or about February 11, 2010,
4 Mid-Century Insurance Company prepared an estimate, dated February 11, 2010, in the amount
5 of \$2,126.40, which included a \$500 deductible. Mid-Century Insurance Company paid
6 Respondent \$1,626.40 for the repairs.

7 23. On or about October 4, 2010, the Bureau performed an inspection of the consumer’s
8 vehicle. That inspection revealed that the following parts/services, totaling \$957.36, had not been
9 provided or performed as invoiced:

- 10 a. Respondent failed to replace the bumper cover.
- 11 b. Respondent failed to replace the grill.
- 12 c. Respondent failed to replace the right front lamp assembly.
- 13 d. Respondent failed to replace the left front lamp assembly.

14 **EIGHTH CAUSE FOR DISCIPLINE**

15 **(Misleading Statements)**

16 24. Respondent has subjected his registration to discipline pursuant to Code section
17 9884.7, subdivision (a)(1), in that on or about February 11, 2010, he made statements which he
18 knew or which by exercise of reasonable care he should have known were untrue or misleading,
19 by representing to the consumer and Mid-Century Insurance Company that the consumer’s
20 vehicle had been repaired consistent with the estimate prepared by Mid-Century Insurance
21 Company, dated February 11, 2010. In fact, Respondent failed to repair the vehicle pursuant to
22 the estimate, as more particularly set forth in paragraph 23, subparagraphs a through d, above.

23 **NINTH CAUSE FOR DISCIPLINE**

24 **(Fraud)**

25 25. Respondent has subjected his registration to discipline pursuant to Code section
26 9884.7, subdivision (a)(4), in that on or about February 11, 2010, he committed acts which
27 constitute fraud by accepting payment of \$1,626.40 from Mid-Century Insurance Company for
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1 the repairs; however, Respondent failed to perform repairs including labor in the amount of
2 \$957.36, as more particularly set forth in paragraph 23, subparagraphs a through d, above.

3 **VEHICLE INSPECTION NO. 4 – 2002 TOYOTA TACOMA (GIPSON)**

4 26. On or about October 15, 2009, Deborah Gipson (“consumer”) had her 2002 Toyota
5 Tacoma taken to Respondent’s facility for auto body repairs. On or about October 15, 2009,
6 Farmers Insurance Company prepared an estimate of record in the amount of \$7,169.81, which
7 included a \$1,000 deductible. Farmers Insurance Company paid Respondent \$6,169.81 for the
8 repairs.

9 27. On or about October 4, 2010, the Bureau performed an inspection of the consumer’s
10 vehicle. That inspection revealed that the following parts/services, totaling \$1,914.27, had not
11 been provided or performed as invoiced:

- 12 a. Respondent failed to repair the floor pan.
- 13 b. Respondent failed to refinish the floor pan.
- 14 c. Respondent failed to replace the “SR-5” nameplate.
- 15 d. Respondent failed to replace the aftermarket step bar.
- 16 e. Respondent failed to replace the used cab corner.
- 17 f. Respondent failed to remove and install the rear glass.
- 18 g. Respondent charged Farmers Insurance Company for paint material.

19 28. Further, on the same date, the consumer provided the Bureau with additional records
20 regarding earlier repairs made to her vehicle at Respondent’s facility in or about March 2009, to
21 the right side of the vehicle. Geico Insurance Company paid Respondent \$5,574.86 for the
22 repairs. Further inspection of the vehicle concerning the Geico claim found the following
23 parts/services not provided and/or performed by Respondent, totaling \$3,338.79, as follows:

- 24 a. Respondent failed to replace the front bumper.
- 25 b. Respondent failed to replace the valance panel.
- 26 c. Respondent failed to replace the right side brace.
- 27 d. Respondent failed to replace the right side bracket.
- 28 e. Respondent failed to replace the front bumper cover.

- 1 f. Respondent failed to replace the bumper right side retainer.
- 2 g. Respondent failed to replace the bumper right support arm.
- 3 h. Respondent failed to replace the grille.
- 4 i. Respondent failed to replace the right grille filler.
- 5 j. Respondent failed to replace the right signal lamp.
- 6 k. Respondent failed to replace the right fender.
- 7 l. Respondent failed to replace the right fender flare.
- 8 m. Respondent failed to replace the right apron.
- 9 n. Respondent failed to replace the right fender splash shield.
- 10 o. Respondent failed to replace the right mud guard.
- 11 p. Respondent failed to overhaul the right suspension.
- 12 q. Respondent failed to replace the right lower ball joint.
- 13 r. Respondent failed to replace the right strut.
- 14 s. Respondent failed to replace the right knuckle.
- 15 t. Respondent failed to replace the right upper control arm.
- 16 u. Respondent failed to replace the right front wheel.
- 17 v. Respondent charged Geico for paint materials.

18 **TENTH CAUSE FOR DISCIPLINE**

19 **(Misleading Statements)**

20 29. Respondent has subjected his registration to discipline pursuant to Code section
21 9884.7, subdivision (a)(1), in that he made statements which he knew or which by exercise of
22 reasonable care he should have known were untrue or misleading, as follows:

23 a. On or about October 15, 2009, Respondent represented to the consumer and Farmers
24 Insurance Company that the consumer's vehicle had been repaired consistent with the estimate
25 prepared by Farmers Insurance Company, dated October 15, 2009. In fact, Respondent failed to
26 repair the vehicle pursuant to that estimate, as more particularly set forth in paragraph 27,
27 subparagraphs a through g, above.

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- 1 c. Respondent failed to replace the right hood hinge.
- 2 d. Respondent failed to replace the right fender.
- 3 e. Respondent failed to replace the left fender.
- 4 f. Respondent failed to replace the right side rail.
- 5 g. Respondent failed to refinish the right side rail.
- 6 h. Respondent failed to replace the left side rail.
- 7 i. Respondent failed to refinish the left side rail.
- 8 j. Respondent failed to replace the right nameplate.
- 9 k. Respondent failed to replace the left nameplate.
- 10 l. Respondent failed to replace the medallion.
- 11 m. Respondent failed to replace the stabilizer bar.
- 12 n. Respondent failed to replace two (2) tires.
- 13 o. Respondent failed to replace the steering wheel.
- 14 p. Respondent failed to replace the lower cross member.
- 15 q. Respondent failed to replace the front cross member.
- 16 r. Respondent charged 21st Century Insurance for paint material.

17 **TWELFTH CAUSE FOR DISCIPLINE**

18 **(Misleading Statements)**

19 33. Respondent has subjected his registration to discipline pursuant to Code section
20 9884.7, subdivision (a)(1), in that on or about May 9, 2009, he made statements which he knew or
21 which by exercise of reasonable care he should have known were untrue or misleading by
22 representing to the consumer and 21st Century Insurance that the consumer's vehicle had been
23 repaired consistent with the estimate prepared by Respondent and approved by 21st Century
24 Insurance. In fact, Respondent failed to repair the vehicle pursuant to that estimate, as more
25 particularly set forth in paragraph 32, subparagraphs a through r, above.

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1 **THIRTEENTH CAUSE FOR DISCIPLINE**

2 **(Fraud)**

3 34. Respondent has subjected his registration to discipline pursuant to Code section
4 9884.7, subdivision (a)(4), in that on or about May 19, 2009, he committed acts which constitute
5 fraud by accepting payment in the amount of \$16,270.80 from 21st Century Insurance Company
6 for the repairs; however, Respondent failed to perform repairs including labor in the amount of
7 \$6,020.23, as more particularly set forth in paragraph 32, subparagraphs a through r, above.

8 **VEHICLE INSPECTION NO. 6 – 1969 FORD MUSTANG (ALDERMAN)**

9 35. On or about March 3, 2010, Brian Alderman (“consumer”) had his 1969 Ford
10 Mustang taken to Respondent’s facility for auto body repairs. Respondent was to repair the
11 consumer’s vehicle pursuant to the CSAA written estimate totaling \$6,239.57. CSAA paid
12 Respondent \$6,139.57 for the repairs.

13 36. On or about October 14, 2010, and October 20, 2010, the Bureau performed
14 inspections of the consumer’s vehicle. The first inspection took place at the consumer’s home
15 and the second inspection took place at the Bureau’s documentation lab in Sacramento,
16 California. Those inspections revealed that the following parts/services, totaling \$3,253.52, had
17 not been provided or performed as invoiced:

- 18 a. Respondent failed to replace the windshield moulding kit.
19 b. Respondent failed to replace the roof.
20 c. Respondent failed to replace the roof mouldings.
21 d. Respondent failed to replace the weather strips.
22 e. Respondent failed to replace the back glass mouldings.
23 f. Respondent charged CSAA shipping costs totaling \$130.

24 **FOURTEENTH CAUSE FOR DISCIPLINE**

25 **(Misleading Statements)**

26 37. Respondent has subjected his registration to discipline pursuant to Code section
27 9884.7, subdivision (a)(1), in that on or about March 3, 2010, he made statements which he knew
28 or which by exercise of reasonable care he should have known were untrue or misleading by

1 representing to the consumer and CSAA that the consumer's vehicle had been repaired consistent
2 with the estimate prepared by CSAA, dated March 4, 2010. In fact, Respondent failed to repair
3 the vehicle pursuant to that estimate, as more particularly set forth in paragraph 36, subparagraphs
4 a through f, above.

5 **FIFTEENTH CAUSE FOR DISCIPLINE**

6 **(Fraud)**

7 38. Respondent has subjected his registration to discipline pursuant to Code section
8 9884.7, subdivision (a)(4), in that on or about April 1, 2010, he committed acts which constitute
9 fraud by accepting payment in the amount of \$6,139.57 from CSAA for the repairs; however,
10 Respondent failed to perform repairs including labor in the amount of \$3,253.52, as more
11 particularly set forth in paragraph 36, subparagraphs a through f, above.

12 **OTHER MATTERS**

13 39. Under Code section 9884.7, subdivision (c), the director may invalidate temporarily
14 or permanently or refuse to validate, the registrations for all places of business operated in this
15 state by Larry A. Robbins, upon a finding that it has, or is, engaged in a course of repeated and
16 willful violations of the laws and regulations pertaining to an automotive repair dealer.

17 **PRAYER**

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

20 1. Revoking, suspending, or placing on probation, Automotive Repair Dealer
21 Registration Number ARD 207657, issued to Larry A. Robbins, doing business as Frank's Frame
22 & Body Shop;

23 2. Revoking, suspending, or placing on probation any other automotive repair dealer
24 registration issued to Larry A. Robbins;

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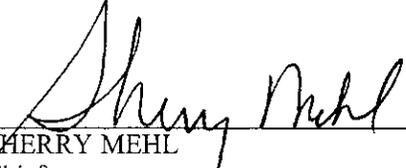
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3. Ordering Larry A. Robbins to pay the Bureau of Automotive Repair the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

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

DATED: October 4, 2011


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